



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

8 August 2013

### **Planning Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 14 AUGUST 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the meeting of the Committee held on 5 June 2013 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. Ardrossan, Saltcoats and Stevenston**

Submit report on the following application:-

**13/00373/PP: Stevenston: Ardeer: ICI Ardeer Site**

Erection of a green waste recycling facility (in-vessel composting) with a designed maximum capacity of 24,750 tonnes and associated access and infrastructure

(copy enclosed).

**4. Garnock Valley**

Submit reports on the following applications:-

**4.1 13/00358/PP: Kilbirnie: Site to north west of 1-3 Newton Street**

Installation of 1 DSLAM telecoms cabinet

**4.2 13/00393/PP: Dalry: Site to West of 2 Aitken Street**

Installation of 1 DSLAM telecoms cabinet

(copies enclosed).

**5. Irvine/Kilwinning**

Submit reports on the following applications:-

**5.1 13/00398/PP: Kilwinning: 32 St Winnings Well**

Part change of use of open space to form garden ground and erection of single storey extension to side and rear of end terraced dwellinghouse

**5.2 13/00384/PP: Irvine: 18 Kilwinning Road: Si! Cafe Bar Restaurant**

Amendment to planning permission No. 10/00801/PP for bar/restaurant to include the erection of store within the rear car park, formation of enclosed service yard, elevational alterations (all in retrospect), together with amendments to car parking layout and additional parking spaces

(copies enclosed).

**6. North Coast and Cumbraes**

Submit reports on the following applications:-

**6.1 13/00326/PP: Largs: Fairlie: Site to South of 11 Highfield Terrace**

Formation of a multi use games area to replace former tennis court

**6.2 13/00278/PP: Fairlie: Pier Road: Site to North of Car Park**

Continuation of use of land for Community Garden and retrospective permission for erection of storage/garden room building and four polytunnels

**6.3 13/00342/PP: West Kilbride: 25 Caldwell Road**

Formation of Timber Decking and Siting of Gazebo to side of detached dwellinghouse

**6.4 13/00379/PP: Largs: The Promenade: The Bean and Leaf**

Alterations to front elevation of building

(copies enclosed).

**7. Scheme of Delegation**

Submit report by the Corporate Director (Development and Environment) on a proposed amendment to the Council's Scheme of Delegation (copy enclosed).

**8. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Stevenston: 22 Burnlea Place**

Submit report by the Corporate Director (Development and Environment) on a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area (copy enclosed).

**9. Notice Under Section 168 of The Town & Country Planning (Scotland) Act 1997: Kilwinning: Montgreenan: Land to north east of East Lodge North**

Submit report by the Corporate Director (Development and Environment) on a Notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of a Tree Preservation Order (copy enclosed).

**10. Notice Under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Saltcoats: 13 Winton Street**

Submit report by the Corporate Director (Development and Environment) on a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring the removal of an unauthorised advertisement (copy enclosed).

**11. North Ayrshire Supplementary Landscape Wind Capacity Study**

Submit report by the Corporate Director (Development and Environment) on the preparation of "North Ayrshire Supplementary Landscape Wind Capacity Study" as an addendum in support of the existing Supplementary Guidance prepared in 2009 entitled "Landscape Capacity Study for Wind Farm Development in North Ayrshire" (copy enclosed).

**12. Urgent Items**

Any other items which the Chair considers to be urgent.

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## Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee  
5 June 2013

**IRVINE, 5 June 2013** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

**In Attendance**

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

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Joe Cullinane.

**1. Declarations of Interest**

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors:-

- The Clerk intimated that Councillor Marshall, as a Director of North Ayrshire Leisure Limited, had declared a non financial interest in Agenda Item 3 (12/00197/CAC, 13/00046/PPM and 13/00047/LBC: Irvine: Irvine Townhouse and surrounds including land to east and north east bounded by East Road and High Street) and had therefore excused himself from the meeting for that item of business.
- Councillor Barr, by association to the applicant, declared an indirect, non financial interest in Agenda Item 4.3 (13/00249/ALO: Dalry: Site to the north east of Birkentop Farm) and withdraw from the meeting taking no part in the discussion on that item of business.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 15 May 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### 3. Deputations

#### Irvine/Kilwinning

##### **12/00197/CAC, 13/00046/PPM & 13/00047/LBC: Irvine: Irvine Townhouse and surrounds including land to east and north east bounded by East Road and High Street**

North Ayrshire Council Property Management and Investment, Perceton House, Perceton, Irvine have applied for conservation area consent, listed building consent and planning permission in connection with the erection of a community, cultural and leisure centre, including the refurbishment of the Townhouse, relocation of the war memorial, development of the car park and other associated works at Irvine Townhouse and surrounds, including land to east and north east bounded by East Road and High Street, Irvine. 270 letters of objection and 8 petitions, with a total of 3,600 signatures, have been received, as detailed in the report.

Mr Bain (Irvine Community Council), Mr Milligan (on behalf of local residents) and Mr Dewar (representing the elderly within the community) addressed the Committee in support of their objections.

Mr Yuille (Project Manager), Mr Lawless (LA Architects) and Mr Zanna (Mayer Brown) then addressed the Committee in response to the issues raised.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- the number of private, public and on street parking spaces;
- the parking strategy for the whole town centre area;
- the number of designated parking spaces in relation to the development;
- the number of estimated visitors to the facility;
- the estimated number of delivery lorries visiting the site;
- reference models of other leisure centres situated within town centres; and
- the survey undertaken by the objectors in relation to parking at the Magnum site.

The Senior Planning Services Manager then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- the dedicated 40 space car park at East Road;
- the new car parking provision adjacent to Aldi and the capital budget commitment for this to be provided in the current financial year;
- the trees to be planted next to the war memorial in front of the proposed development;

- the dimensions of the access off East Road; and
- the establishment of a traffic management scheme from the new car park adjacent to Aldi to the proposed development.

The objectors then had a final opportunity to raise any points arising from the information provided by the Senior Planning Services Manager and commented on the need for a car parking strategy if it has been determined that there is enough car parking in the area.

Councillor Barr, seconded by Councillor Steel, moved that the Committee refuse the applications on the grounds that there is inadequate public parking facilities in the area.

As an amendment, Councillor Ferguson, seconded by Councillor McNicol, moved that the Committee approve the applications subject to the conditions detailed within the report.

On a division, there voted for the amendment 4 and for the motion 4. On the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee agreed (a) to grant planning permission subject to the following conditions:-

1. Prior to the commencement of the development hereby approved, full details of all external materials and treatments to be used in the construction of the leisure centre shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Such details shall include items such as: cladding, window frames, glazing panels, doors, roof coverings, walling materials, rooflights, rainwater goods, etc.
2. No development shall take place within the site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority.

3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. 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 submitted for the written approval of 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 the North Ayrshire Council.

4. Prior to the commencement of the use of the development, hereby approved, cycle parking facilities equating to a minimum of 10% of the peak levels of staff and visitors, shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of the location, specification and design of such cycle parking provision facilities shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

5. A "Current Footway Condition Survey" shall be undertaken, to a scope agreed in advance with North Ayrshire Council as Planning Authority prior to the commencement of the development hereby approved. Any necessary 'improvements' required to accommodate the use anticipated by the development and any repairs to footway construction, relating to damage occurring during the period of construction shall be undertaken to the satisfaction of North Ayrshire Council, all within a timescale agreed in writing with North Ayrshire Council as Planning Authority.

6. Prior to the commencement of the use of the development, hereby approved, a Travel Plan shall be prepared and submitted for the written approval of North Ayrshire Council as Planning Authority. Such a Travel Plan shall include active travel proposals for both staff and visitors and an associated signage strategy, as well as any measures to reduce car trips. The recommendations of any such approved Travel Plan shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan.

7. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.



8. Prior to the commencement of the use of the development, hereby approved, details specifying that adequate provision of real time public transport information shall be available within the proposed leisure centre shall be submitted to and approved by North Ayrshire Council as Planning Authority.

9. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

10. Prior to the first operation of the hereby approved leisure centre full details of the following matters shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority: Full details of the works to the car park on east road; details of the amendments to the Traffic Regulation Order (TRO) for Bank Street and High Street, to allow use by cyclists and buses associated to the use of the hereby approved development, and a timescale for implementation thereof, or other suitable arrangements; provision of a TRO over two laybys adjacent to the development, and a timescale for implementation thereof, or other suitable arrangements; details of the provision of directional signage to and from nearby car parks and Irvine rail station; and, details of provision of directional signage to car parks within Irvine Town Centre, some of which may be electronic and detail space availability.

11. Prior to the commencement of development a revised Drainage Impact Assessment (DIA) shall be submitted to and approved by North Ayrshire Council as Planning Authority.

12. Prior to the commencement of the use of the development, hereby approved, detailed proposals showing how the provision of public art shall be integrated into the development shall be submitted to and approved by North Ayrshire Council as Planning Authority.

13. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

14. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

15. Within 6 months of the date of this planning permission full details of the hard and soft landscaping, including: street furniture; litter bins; fences; gates and bollards, shall be submitted for the prior approval of North Ayrshire Council as Planning Authority.

16. Reverberant music levels within the sports hall shall be limited to 86 dBA, to ensure that noise breakout arising from entertainment does not exceed the World Health Organisation guidance level of 50 dB at the nearest noise sensitive property.

17. All noise attenuation measures, as specified in the supporting Noise Impact Assessment, dated 15th May 2013, (or other measures of equal effect) shall be incorporated into the building to adequately reduce noise levels at nearby noise sensitive property. Confirmation that such measures have been incorporated, including details thereof, shall be provided in writing from a suitably qualified person.

(b) to grant conservation area consent subject to (i) Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and (ii) the following conditions:-

1. No demolition works to the 'original' part(s) of the former police station and the 'Annick Centre' shall be undertaken until such time as contracts are let in relation to the hereby approved replacement leisure centre development. Details of such contracts shall be provided to North Ayrshire Council as Planning Authority in advance of demolition works.

2. Prior to any demolition works being undertaken to the 'original' part(s) of the former police station and the 'Annick Centre' the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), Threatened Building Survey Unit, shall be permitted reasonable access to record the building, for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken without the express consent of North Ayrshire Council as Planning Authority.

3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. 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 submitted for the written approval of 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 the North Ayrshire Council.

4. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

5. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

6. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

7. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

and (c) to grant listed building consent subject to (i) Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and (ii) the following condition:-

1. Prior to the undertaking of relevant works, full details of the repair and restoration works to both the exterior and interior of the Townhouse, including: details, and where appropriate samples of materials, and colour schemes for interiors, shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.

#### **4. Garnock Valley**

##### **4.1 12/00526/PP: Dalry: Site to North of Baidland Hill**

Community Windpower, Godscroft Lane, Frodsham, Cheshire have applied for planning permission for an extension to the existing wind farm comprising of 2 additional wind turbines measuring 74.5m high to hub and 125m high to blade tip at a site to the north of Baidland Hill, Dalry.

Consideration of this application was continued at the meeting of the Planning Committee on 15 May 2013 following a motion that the application be remitted to Officers for determination under delegated authority. The item was continued to the next meeting to receive legal advice on the appropriateness of remitting the matter to Officers.

The Head of Democratic and Administration Services subsequently advised that in his view the Committee could decide that the application should be dealt with under delegated powers.

The Committee noted that the application would be dealt with under delegated powers.

#### **4.2 13/00262/ADC: Kilbirnie: 1 Bridgend**

Kilbirnie Dental Surgery, c/o Nick Wright Planning, 276 Main Road, Elderslie have applied for retrospective planning permission for the erection of two halo lit fascia signs to side elevations and two externally illuminated trough fascia signs to front of dental surgery at 1 Bridgend, Kilbrinie.

Councillor Bell, seconded by Councillor Montgomerie, moved that planning permission for the signs be granted as the property was not in a conservation area, was not a listed building, and the signs were required to advertise the Dental Surgery.

As an amendment, Councillor McNicol, seconded by Councillor Steel, moved that the application be refused and that planning officers work with the proprietors with a view to securing the erection of suitable signage at the property.

On a division, there voted for the amendment 5 and for the motion 3 and the amendment was declared carried.

Accordingly, the Committee agreed to refuse the application and that planning officers work with the proprietors with a view to securing the erection of suitable signage at the property.

#### **4.3 13/00249/ALO: Dalry: Site to the north east of Birkentop Farm**

Colin J. Smith, Birkentop Farm, Dalry has applied for the removal of the Section 75 Agreement attached to planning permission 07/01192/PP relating to occupancy restriction at a site to the north east of Birkentop Farm, Dalry.

Councillor McNicol, seconded by Councillor Steel, moved that the Committee agree to the removal of the Section 75 Agreement attached to planning permission 07/01192/PP.

As an amendment, Councillor Ferguson, seconded by Councillor Bell, moved that the Committee refuse the application for removal of the Section 75 Agreement for the reason contained in the report.

On a division, there voted for the amendment 3 and for the motion 5 and the motion was declared carried.

Accordingly, the Committee agreed to the removal of the Section 75 Agreement attached to planning permission 07/01192/PP for the following reason:-

1. The proposal does not comply with the relevant provisions of the development plan, however other material considerations associated to the fact the development has commenced and that the business operation has expanded since the decision on application N/07/01192/PP was made indicate otherwise, and permission should be granted for the removal of the occupancy restriction.

## **5. Irvine/Kilwinning**

### **5.1 13/00270/PP: Irvine: Montgomerie Park: Site to East of 5 Earlswood Avenue**

Persimmon Homes Limited, 180 Findochty Street, Garthamlock, Glasgow have applied for planning permission for the siting of temporary sales cabin for a period of 3 years with associated parking and landscaping at a site to the east of 5 Earlswood Avenue, Montgomerie Park, Irvine.

The Committee agreed to grant the application subject to (i) no material objections being received by 21 June 2013, and (ii) the following conditions:-

1. That the sales cabin and surfaced car park hereby permitted shall be removed and the land restored to its former condition on or before 5 June 2016.
2. That prior to the commencement of the development hereby approved, details of a proposed landscaping scheme, including full details of species, planting schedule, maintenance of grass verges, proposed aftercare etc shall be submitted for the written approval of North Ayrshire Council as Planning Authority and that such details as may be approved shall thereafter be implemented and maintained to the satisfaction of the Planning Authority.
3. That, for the avoidance of any doubt and notwithstanding the details shown on the approved plan (ref: Sales-01 revB), no element of signage either freestanding or attached to the cabin is hereby approved.

### **5.2 13/00015/PPM: Irvine: Harbour Street: Irvine Beach Park**

The Ayrshire Golf Company Ltd, c/o Credential Holdings, 8 Elmbank Gardens, Glasgow has applied for planning permission for the formation of an 18 hole links golf course with associated residential development consisting of hotel (with spa, 50 rooms, plus 150 two bed suites for fractional use) and 176 apartments in blocks of 4 (to include the option of 70 as residential units for sale) together with associated roads, parking pathways and landscaping at Irvine Beach Park, Harbour Street, Irvine. 13 objections have been received, as detailed in the report.

The Senior Planning Services Manager advised Members on a proposed revision to the phasing of the development by the applicant to allow the formation of the golf course and erection of the fractional ownership apartments prior to the erection of the hotel.

Members discussed the applicant's request but considered that in the interests of the proper planning of the area and the special justification for the development the grant of planning permission should clearly specify the phasing of the proposed development within the conditions as:-

- Phase 1 - Road alterations, path diversions and formation of golf course;
- Phase 2 - Erection of hotel; and
- Phase 3 - Erection of fractional golf villas.

The Committee, having considered the terms of the objections, agreed to grant the application subject to the following conditions:-

1. That, prior to the commencement of the development, the applicant shall undertake an agreed full and detailed Site Investigation and Quantitative Risk Assessment and prepare a Remediation Strategy, which shall include measures for the treatment of any invasive species within the site, to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.

2. That, on completion of the proposed works, written verification from a suitably qualified Environmental Consultant detailing the remediation measures undertaken, shall be submitted to North Ayrshire Council as Planning Authority.

3. That, prior to the commencement of the development, hereby approved, a detailed drainage plan shall be submitted for the development, including full details of the proposed diversion of the Broadhow Burn. For the avoidance of doubt, the Broadhow Burn outfall shall be well away from the SSSI and to the satisfaction of North Ayrshire Council as Planning Authority in consultation with SNH. In addition, confirmation that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, such a scheme shall be self certified by a suitably qualified person, a copy of which shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, waste management plans indicating how waste will be minimised and managed during (a) the construction phase and (b) the operational phase shall be submitted for the written approval of North Ayrshire Council as Planning Authority. This shall include details of waste management arrangements for the hotel and golf lodges.

5. That, the phasing plan of the development shall be:

Phase 1 - Road alterations, path diversions and formation of golf course;

Phase 2 - Erection of hotel; and

Phase 3 - Erection of fractional golf villas;

all to the satisfaction of North Ayrshire Council as Planning Authority. The development shall be implemented only in accordance with this phasing plan, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, full design details for all of the new paths (including NCN 7, Core Paths, Ayrshire Coastal Path and all other routes), which shall be to multi-user and all-abilities access standard, the new roads and road re-alignment works, new parking areas, and new roundabout, together with details of interim measures to safeguard linkages where existing sections of routes are being diverted, details of alternative parking areas during construction and details of signposting (both during and after construction operations) shall be submitted for the written approval of North Ayrshire Council as Planning Authority in conjunction with Scottish Natural Heritage. Any infrastructure improvements, alterations, additions and/or removal shall conform to the current local and national guidance, all to the satisfaction 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.

7. That, prior to the commencement of the development of the golf lodges adjacent to either side of Marine Drive, a noise impact assessment prepared by a suitably qualified person and in accordance with the Technical Advice Note of PAN 1/2011 shall be undertaken to identify the noise control measures which are required to ensure that the following noise levels are not exceeded at or adjacent to any of the proposed noise sensitive properties:

LAeq, 16 hour (0700-2300) (day) : 50 db

LAeq, 8 hour (2300-0700) (night): 40 db.

The noise impact assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any measures as may be approved shall be implemented within the relevant parts of the development to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the commencement of the development of the golf lodges adjacent to either side of Marine Drive, a Vibration Survey Report shall be prepared by a suitably qualified person in accordance with the terms of BS 6472:1992 'Evaluation of Human Response to Vibration in Buildings'. The report shall show the vibration incident on the site and include recommendations regarding any measures to be incorporated into the building design to achieve the necessary vibration attenuation. The report shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any measures as may be approved shall be implemented within the relevant parts of the development to the satisfaction of North Ayrshire Council as Planning Authority.

9. That, prior to the commencement of the development the developer shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the finished ground and building floor levels, external finishes for all buildings, and details of storage buildings, bin enclosures, sub-stations, lighting, feature walls and boundary treatments within the development, together with details of any minor design changes.

10. That, prior to the commencement of the development, details of an alternative site within the Beach Park for the dragon sculpture shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, prior to the commencement of the development, the dragon shall be dismantled, carefully stored and re-erected on the approved site, all to the satisfaction of North Ayrshire Council as Planning Authority.

11. 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 for each development phase, 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.

12. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority, in conjunction with Scottish Natural Heritage, an Estate Management Plan (EMP). This shall include both the golf course and path management. An annual review of the EMP shall be undertaken and shall include the obligation to alter estate management practices, including path construction, design and location, should the paths associated with this development increase the damage to the SSSI.



13. That a project ecologist, approved by North Ayrshire Council as Planning Authority, shall be appointed by the developer or agent, as appropriate, prior to the commencement of the development in order to supervise all site operations which involve ground disturbance, vegetation clearance, soil tipping, drainage works, habitat disturbance and other operations as detailed in the Construction Method Statement. Furthermore, prior to the commencement of the development, hereby approved, a follow-up report to the Construction Method Statement shall be prepared, detailing all measures to be taken to safeguard the ecology of the site, both during construction and the subsequent operation of the development. The report shall be submitted for the written approval of North Ayrshire Council as Planning Authority and, thereafter, the details as may be approved shall be implemented during the construction and operational stages of the development.

14. That 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 an agreed remediation scheme.

15. 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 development work. 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.

16. That no vegetation clearance, digging, or soil stripping shall be carried out during the bird breeding season (March to July inclusive) in any part of the development site unless a breeding bird survey is undertaken immediately prior to the undertaking of any such works to identify any potential nesting sites which may be affected, together with details of measures to safeguard such nests.

17. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the completion of each phase of the development. Any trees or plants which, within a period of five years from the completion of each phase 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.

18. That the occupation of the apartments within the golf lodges shall be limited to fractional holiday accommodation, including the option of a maximum of 70 units available for sale as market housing in the event of a special need arising following their initial use. For the avoidance of doubt, the initial use of all lodges and units built shall be as fractional holiday accommodation. Details of any special need which may arise shall be notified to North Ayrshire Council as Planning Authority, which shall include details of the plot number(s) affected. Any fractional units disposed of in this way shall not be concentrated within any one area of the development in order to safeguard integrity and cohesiveness of the overall development as a holiday resort.

19. That notwithstanding the permitted development rights granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (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 application site.

20. That, prior to the commencement of the development, a travel plan shall be produced which shall include details of cycle parking provision within the development site. For the avoidance of doubt, the level of cycling provision shall be in accordance with the Cycling Action Plan for Scotland and provide for 10% of peak visitor numbers and staffing levels. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

## **6. North Coast and Cumbraes**

### **13/00261/PP: Largs: Warrenpark Road: Public Garden**

Largs Events, 49B George Street, Largs have applied for planning permission for the formation of Viking Memorial Garden in the existing public garden at Public Garden, Warrenpark Road, Largs. One letter of representation and 25 letters of objection have been received, as detailed in the report.

The Senior Planning Services Manager advised that an additional representation letter, signed by 9 residents in the area, had been received in respect of this application.

Councillor Marshall, seconded by Councillor Brown, moved that the application be refused on the grounds that it would have a significant adverse impact on the amenity of the area. There being no amendment, the motion was carried.

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. That, the proposed development would be contrary to Criteria (a) and (b) of the Development Control Statement of the North Ayrshire Local Plan (Excluding Isle of Arran), as it would comprise inappropriate siting of development to the detriment of the setting of the area and would have a significant adverse impact on the amenity of the residential area

The meeting ended at 4.40 p.m.



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

**14 August 2013**

Planning Area

**Ardrossan Saltcoats and  
Stevenston**

Reference

**13/00373/PP**

Application

**28th June 2013**

Registered

Decision Due

**28th August 2013**

Ward

**Saltcoats & Stevenston**

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**Recommendation**

**Agree to Grant Subject to Conditions  
contained in Appendix 1**

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**Location**

ICI Ardeer Site  
Ardeer  
Stevenston

**Applicant**

NPL Estates Limited  
183 St Vincent Street  
Glasgow  
G2 5QD

**Proposal**

Erection of a green waste recycling facility  
(in-vessel composting) with a designed maximum  
capacity of 24,750 tonnes and associated access  
and infrastructure

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## 1. Description

The site adjoins the east side of Stevenston Industrial Estate. A vacant factory is located to the west while the adjoining ground to the north, east and south generally comprises vacant former industrial land. The site has been used for outdoor composting of local authority green waste for approximately 10 years. North Ayrshire Council has recently awarded a contract to the applicants for the processing of organic wastes for a minimum period of 8 years. The processing of organic wastes involves the introduction of food waste to the green waste which to avoid odour problems requires to be processed in an enclosed facility. The In-Vessel Composting (IVC) facility is designed to process the green and food waste to make a product rather than to generate waste.

The process would be accommodated within 3 buildings of industrial scale linked by two smaller IVC buildings. The buildings comprise:

1. A reception hall measuring 40m in length by 30m in width with a dual pitch roof 10.5m to eaves and 13.3m to ridge.
2. A Turn Out Area building 60m in length by 17m in width with a dual pitch roof 9.7m to eaves and 12.3m to ridge.
3. Maturation hall measuring 60m in length by 45m in width with a dual pitch roof 7.8m to eaves and 10.5m to ridge.

Attached to each building would be a narrow 3.1m high bio-filter building with a flat roof and a 13m high chimney. The two linking IVC buildings would measure 29m in length by 19m in width and would be 5m in height with a flat roof.

The plans indicate that an office container would also be provided for messing facilities, etc. A weighbridge is also indicated to the north of the buildings. Finally a coarse wood pile would be located at north-east corner of the site.

A Supporting Planning Statement asserts that the awarding of the Organic Waste Contract by North Ayrshire Council is in line with Zero Waste Scotland recommendations. It further indicates that the new installation is for the In-Vessel composting of green and category 3 animal by-product waste and catering waste. These types of waste were prevented from disposal to landfill in 2006. The proposed facility would provide the means of handling and treating such waste in proximity to where they arise as the main input to the site is from North Ayrshire Council kerbside collections. Some 24,750 tonnes of compostable waste including food and green waste could be handled per annum.

Vehicles would discharge their loads at a designated area within the Reception Hall. Once the waste has been checked for non-acceptable materials, which would be removed to landfill by the producer or operator, it would be loaded into a shredder within the hall. Proportions of dry waste, e.g. woodchip or similar, or proportions of higher concentrate food waste would also be shredded to give the desired blend of approximately 70:30 green:food.

The shredded material would be taken from the Reception Hall to one of four tunnels in the first IVC facility. The tunnel is then closed and the material composted for 7 days. The batch is then transferred via the Turn Out Area building and placed into one of four tunnels in the second IVC facility and the material composted for another 7 days. The batch is removed from the second IVC facility and placed in 'windrows' in the maturation hall. The windrow is turned after 10 days and again after a further 10 days. The product is then removed.

With regard to noise, the Supporting Planning Statement confirms, vehicle use at the facility would be the same as the current operation and therefore no increase in noise is anticipated. Most activities however will take place indoors further reducing any noise generated.

The only foul drainage will relate to the messing and toilet facility which will be routed to a holding tank for periodic tanker removal to treatment. Trade effluent and surface run off will be directed to the existing run off collection at the site which is taken through a series of open channels and pumped to the Ardeer site effluent system where it eventually discharges to the Clyde under SEPA consent. Rain water from the new buildings would be collected to holding tanks and used for washing down of vehicles.

The Supporting Statement concludes that given the scale of existing buildings at Stevenston Industrial Estate, including the tall BPI buildings which are much closer to residential properties, visual impact would not be significant. A traffic assessment has also been submitted which indicates that the highest increase in daily lorry movements arising from the development would be six. The development, it considers, would have negligible impact on the operation of the local road network. Furthermore key pollution prevention mitigations include the delivery of wastes that include food waste in enclosed units to limit odour and prevent leachate discharging, all IVC shredding carried out in the Reception Hall to minimise and collect dust, odour control in the buildings through bio-filters, surface water from the buildings collected for use in washing vehicles and water from the waste areas collected and treated through the site effluent system before discharge under SEPA consent.

The applicants advise that the IVC facility is designed to process green and food waste to make a marketable product, namely, compost which they say would be sold to the open market as well as being used for land restoration at Ardeer. The proposed operational hours would, be Mon-Sat 0700-1900 and Sunday for maintenance only when required.

In the adopted North Ayrshire Local Plan, the site is located within an industrial area where Policy IND2 specifically applies. This states that proposals for development within Classes 4, 5 and 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997 shall accord with the plan. Class 4 relates to Business uses, Class 5 General Industrial and Class 6 Storage or Distribution uses.

Policy INF1 is also relevant. It states that development for reprocessing, involving streamed waste only, shall accord with the local plan where:

- (a) it is located within a suitable industrial area and is compatible with existing industrial development on site;
- (b) there are economic benefits arising from the development; and
- (c) there is no or minimal residual disposal requirement arising from the process.

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

In the modified Local Development Plan (LDP) the site is also located within an industrial area where Policies IND3 and IND12 apply. The site however is specifically identified as a location for waste management facilities.

Policy IND3 states that proposals for business, industrial and storage and distribution uses within use Classes 4, 5 and 6 shall accord with the LDP.

Policy IND12 states that proposals for quasi-industrial uses and yards on sites identified on the LDP map shall accord with the LDP.

Policy PI7 is also relevant. It states that development of waste management installations including any activity ancillary to any industrial process shall only accord with the LDP where:

- (a) the proposal accords with the principals of the Zero Waste Plan and makes a positive contribution to the provision of a network of waste management installation; AND



- (b) the proposal meets an identified need and reflects the proximity principle; AND
- (c) the location offers a good standard of accessibility; AND
- (d) the proposal provides a sufficient landscape buffer and screening, where appropriate; AND
- (e) the proposal is located in close proximity to an existing waste management installation and/or within an industrial allocation unless it can be demonstrated that there is an overriding site specific locational need or benefit to locate elsewhere. Proposals must also be compatible with surrounding development and the underlying allocation where this is not industrial; AND
- (f) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to air emissions, noise, odour, dust, litter, vermin, insects, birds, visual impacts, traffic, natural or built heritage, leachate, operational hours, proximity to water sources or cumulative impacts.

The policy further states that development involving the transfer, sorting, handling, processing, recycling or composting of waste shall only accord with the LDP where it accords with the general provisions described above (where applicable) and where the process seeks to minimise the residual waste material arising from the process.

All development proposals require to be determined against the criteria set out in the General Policy of the LDP.

On 17 September 2012, the applicants having sought a screening opinion in terms of the Environmental Impact Assessment (Scotland) Regulations 2011, were advised that given the scale and nature of the proposed facility an Environmental Impact Assessment would not be required for the proposal. They were also advised that given the quantity of waste material processed per annum, less than 25000 tonnes, the proposed facility would not comprise 'major' development as defined in the Schedule to the Town & Country Planning (Hierarchy of Developments) Scotland Regulations 2009.

## **2. Consultations and Representations**

There were no neighbours to be notified. The application was advertised in the local newspaper on 10 July 2013 in terms of Regulation 20 (1) of the Development Management Regulations. No objections have been received.

## Consultations

**Environment & Related Services (Cleansing)** - the application would help the local authority meet the targets set out in the Scottish Governments Zero Waste Plan. The Waste Management Regulations 2012 place obligations on local authorities to provide the occupier of every domestic property in its area (apart from a property in a rural area) with a receptacle which enables the separate collection of food waste from the property. The regulations also require businesses producing over 50kg of food waste per week to present the food waste for separate collection. Further to arranging collection there is a requirement that the waste is treated appropriately in line with the waste hierarchy. The proposed type of facility provides suitable treatment opportunities. The application fits with the aspirations and obligations set out within the Waste Scotland Regulations 2012. The applicants were awarded a tender to reprocess the Council's green waste as noted above. The Council will use but not operate the site. Other organisations may also use the facilities and the company to reprocess their waste.

*Response - Noted.*

**Environmental Health** - The presence of any significant unsuspected contamination which becomes evident should be brought to the attention of Environmental Health. It is noted that an odour modelling assessment concluded that the proposed development would not have an adverse impact on neighbouring properties.

*Response - Noted. A condition could be imposed with regard to contamination.*

**Scottish Water** - No objection. There are no public sewers in the vicinity of the proposed development. The applicants should contact Scottish Water with regard to a water supply for the development.

*Response - Noted. The applicants advise that the process itself does not generally involve the addition of water. Wheel washing facilities will in the main be supplied from the building rain water catching system but in dry weather potable water may be required. Messing and toilet facilities will also require a domestic supply. The applicants can be advised by note to contact Scottish Water with regard to obtaining a mains supply.*

**West of Scotland Archaeology Service** - No substantive archaeological issue is raised by the planning application.

*Response - Noted.*

**Development Planning Services (Roads)** - No objection. The transport assessment provided by the applicant's indicates that the proposals will have minimal impact on the adjacent road network.

*Response - Noted.*

**SEPA** - Initially objected unless the proposals were modified to secure the internal transfer of waste between buildings to prevent odour escapes which could affect nearby residential properties.

*Response - Plans initially lodged showed that the three main buildings were unconnected. Amended plans have been lodged showing the buildings linked which means that the entire process would be carried out internally including the transfer of waste between the various buildings. SEPA have confirmed that it has no objection to the revised proposals.*

**Scottish Natural Heritage** - No response to date.

### **3. Analysis**

The site is located within an area allocated for industrial purposes in the adopted North Ayrshire Local Plan (excluding Isle of Arran). The main determining issues are whether the proposals accord with the relevant policies, namely, IND2 and INF1 and also the relevant criteria of the Development Control Statement, namely, siting, design and external appearance and impact on amenity.

With regard to Policy IND2, as indicated above the proposed facility is designed to process green and food waste to make a marketable product, namely, compost which the applicants state would be sold on the open market as well as being used for land reclamation at Ardeer. As it is a process that manufactures a commodity, it can be categorised as a Class 5 general industrial use and therefore accords with Policy IND2.

In relation to Policy INF1 the site of the waste management facility is located within a suitable industrial area and is compatible with the existing composting activity on the site. There would be economic benefits arising from employment associated with the proposed facility during construction and operation - 3 additional jobs would be created in addition to the existing 8 currently employed at the site the applicants confirm. There would be minimal residual disposal requirements arising from the process - the Supporting Statement advises that material is screened prior to processing and unsuitable material removed.

With regard to the relevant criteria of the Development Control Statement, the buildings would be sited to the east of Stevenston Industrial Estate and in relatively close proximity to industrial buildings of similar scale and appearance. They would be grouped together and their siting is considered to be acceptable in relation to nearby developments. As previously indicated, they are of industrial appearance and appear to be externally finished in metal cladding though no details of the finishes have been provided. The nearest residential properties are over 400m to the west on the far side of the existing industrial estate buildings. In view of the foregoing the siting, design and external appearance of the proposed facility are considered to be acceptable.

With regard to amenity, as noted above the nearest residential properties are over 400m to the west and are unlikely to be affected by noise or vibration as a result of the proposed waste management facility while SEPA is satisfied that the revised arrangements will alleviate any potential odour problems.

In view of the above, the proposal accords with the adopted local plan.

Although still to be the subject of the examination, the Modified Local Development Plan (LDP) is considered to be a material consideration in this case. It identifies the site as being located within an industrial area where Policies IND3 and IND12 apply. Furthermore the site is specifically identified for use as a waste management facility. Policy PI7 is also relevant. All development proposals require to be assessed against the General Policy of the LDP.

Policies IND3 and IND12 permit a number of industrial uses including business, general industrial, storage and distribution and quasi-industrial uses and yards that are required to demonstrate appropriate screening and measures to limit pollution of air, soil and water. As discussed above the proposed facility would accord with the type of uses permitted by these policies, ie general industrial, while the LDP map specifically identifies the site for a Waste Management Facility. It has already been stated that the buildings would be compatible in scale to existing neighbouring buildings within the industrial estate. Given the adjacency to the industrial estate and the remoteness from residential property and other public areas, it is considered that screening is not required. As noted above the proposed facility would be contained within existing buildings and therefore the impact on air pollution would not be significant. Similarly due to the nature of the process and consultation responses, the impact on soil and water would not be significantly adverse. Accordingly it is considered that the proposed facility would comply with policies IND3 and IND12.

With regard to the criteria contained in Policy PI7, the proposal accords with the principles of the Zero Waste Plan as confirmed by Environment & Related Services (Cleansing) and would make a positive contribution to the provision of a network of waste management installations. The proposal meets an identified need and is appropriately located in relation to North Ayrshire thereby reflecting the proximity principle. The site has good access to the road network. Given the proximity to the industrial estate and the relatively remote location, a landscape buffer and screening are not required. The site is located beside an existing local authority green waste composting facility and within an area allocated for industrial purposes. The proposals are compatible with neighbouring developments and the industrial allocation of the site. The principal potential unacceptable impact relates to odour emissions and as indicated above the entire process will be contained within buildings with odour control undertaken through bio-filters. SEPA has confirmed its approval of the revised process layout. In view of the foregoing the proposals accord with Policy PI7.

With regard to the General Policy, the relevant criteria are considered to be similar to those of the Development Control Statement of the adopted Local Plan, namely, siting, design and external appearance and impact on amenity. For the reasons given above it is considered that the proposed facility would be acceptable in relation to the General Policy.

In conclusion the proposals accord with the adopted Local Plan and the modified Local Development Plan and planning permission can therefore be granted.

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

See Appendix 1.



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

Cunninghame House, Irvine  
19 July 2013

For further information please contact John Michel, Senior Planning Officer , on  
01294 324379



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00373/PP**

Grant subject to the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of all external finishes to the buildings and the design and external appearance of the office/messing facility.
2. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That unless North Ayrshire Council as Planning Authority gives written consent to any variation the re-cycling facility hereby approved shall be used only for the processing of green and food wastes.
4. That the transfer/process all materials shall take place within the confines of the buildings and connected to the odour abatement systems, to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In the interest of the amenity of the area.
2. To meet the requirements of Environmental Health.
3. In the interest of the amenity of the area.
4. To meet the requirements of the Scottish Environment Protection Agency.

Reason(s) for approval:

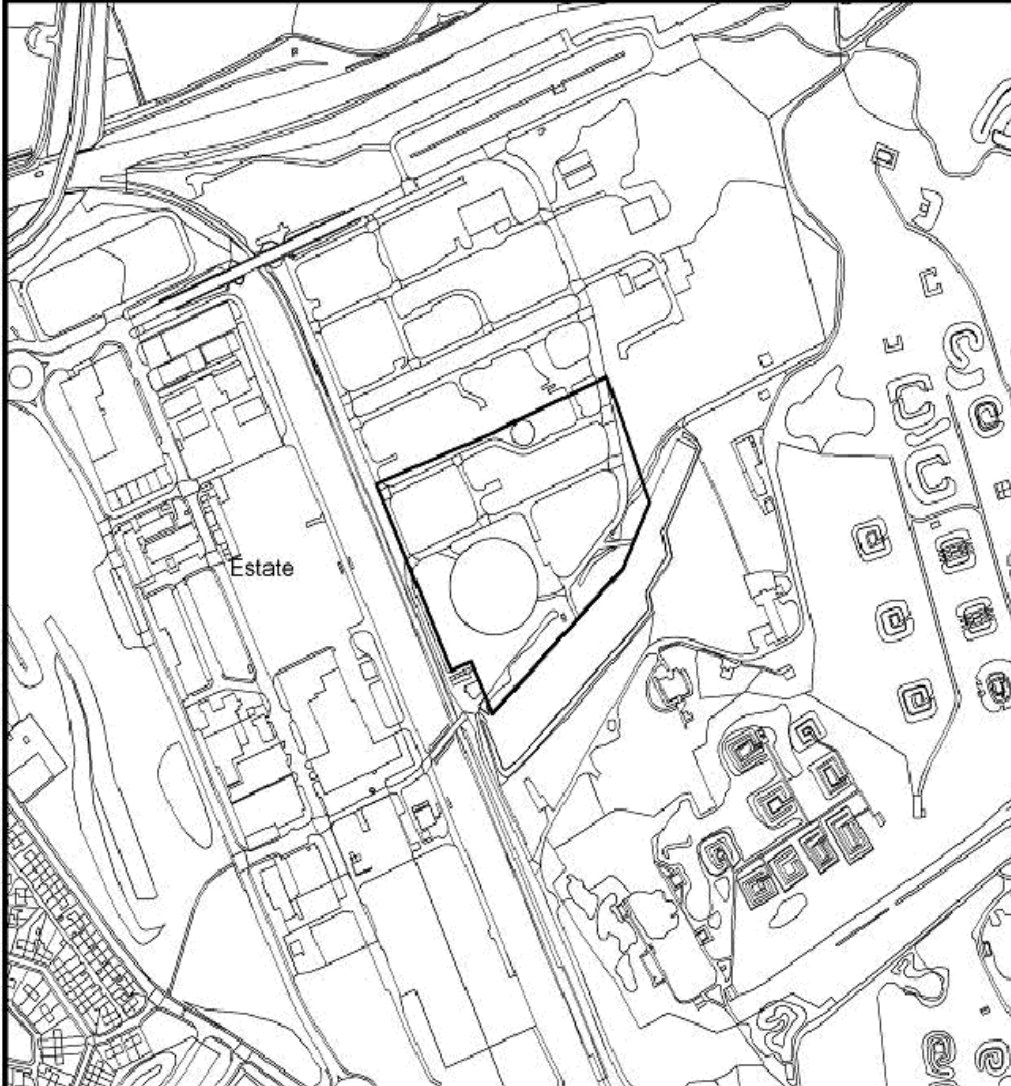
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

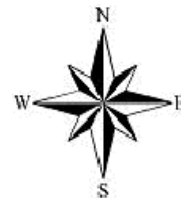
13/00373/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4.1**

Planning Committee

Planning Area

**14 August 2013****Garnock Valley**

Reference

**13/00358/PP**

Application

**17th July 2013**

Registered

Decision Due

**17th September 2013**

Ward

**Kilbirnie and Beith**

---

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

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**Location**Site to north west of 1-3  
Newton Street  
Kilbirnie  
Ayrshire**Applicant**BT Openreach  
123 Judd Street  
London  
WC1H 9NP**Proposal**Installation of 1 DSLAM telecoms cabinet

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**1. Description**

This is an application for the erection of a telecoms cabinet on the footpath to the north west of 1-3 Newton Street, Kilbirnie, to be located against the stone boundary wall of 2A Montgomerieston Street. The cabinet would be approximately 1.6m high x 1.2m wide and would have a depth of 0.45m. There would be a separation of approximately 0.1m from the boundary wall and the rear of the cabinet. The front elevation of the cabinet to the road edge would leave a remaining footpath width of 2.3m to the road.

The application site is located within the Kilbirnie Conservation Area as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). Policy INF8 (Telecommunications) would be relevant, which requires any such proposals to satisfy the criteria listed in the policy.

Policy BE1 (Development in Conservation Areas) is also relevant and states that proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area including its setting, buildings, open space and trees shall not accord with the local plan. All development requires to be assessed against the Development Control Statement (DCS) where the relevant criteria would be (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision.

## **2. Consultations and Representations**

The standard neighbour notification has been issued and no representations have been received to date.

**Roads Services** - No objections.

*Response: Noted.*

## **3. Analysis**

Policy INF8 states that such proposals shall accord with the local plan where the proposal satisfies the following criteria:

- (a) the development is not located in a manner that would be prejudicial to the proper planning of the area. It is considered that the proposal would be minor in scale and as such would not prejudice any future developments;
- (b) the visual impact of the proposal in the townscape and natural environment is acceptable. It is considered that the visual impact would be limited, given the minor nature of the proposal and its position against the boundary wall of 2A Montgomeriston Street.
- (c) there is no negative cumulative visual impact of the development with existing apparatus. Existing cabinets on the adjacent side of the street are obstructed from view.
- (d) the applicant has demonstrated that alternative sites have been investigated. The agent advised that the cabinets to the north of 1-3 Newton Street are still in use.

- (e) the possibility of shared operational facilities have been considered. The existing cabinets serve a different purpose and that location could not be shared.

A condition could be attached to ensure that when the cabinet becomes redundant, it is removed and the footpath restored to its original condition. In view of the above it is considered that the proposal accords with Policy INF8.

For the above reasons, it is considered that due to the minor scale of the proposal, the cabinet would not have a significant adverse impact on the character or appearance of the conservation area and would accord with Policy BE1. With regards to criteria (a) and (b) of the DCS for the above reasons, it is also found to be acceptable. There would be a distance of approximately 2.3m from the cabinet to the edge of the footpath, maintaining sufficient space for pedestrians. Roads Services also has no objections to the proposal, and the proposal would also accord with criterion (d). There are no other material considerations. It is therefore recommended that planning consent is granted.

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

See Appendix 1.



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

Cunninghame House, Irvine  
1 August 2013

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



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00358/PP**

Grant subject to the following condition:-

1. That within six months of the equipment becoming obsolete or redundant it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In the interest of the amenity of the area.

Reason(s) for approval:

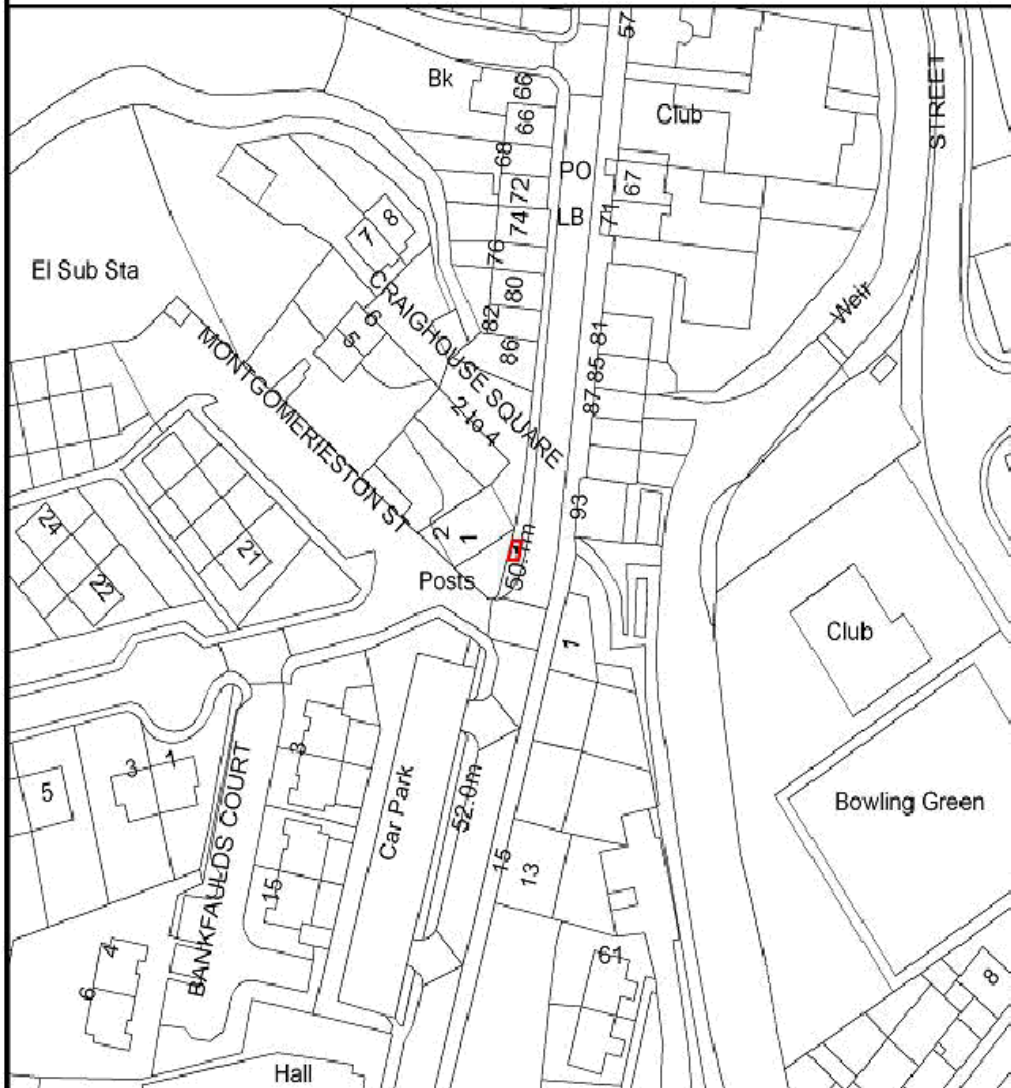
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

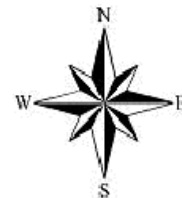
13/00358/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4.2**

Planning Committee

Planning Area

**14 August 2013****Garnock Valley**

Reference

**13/00393/PP**

Application

**17th July 2013**

Registered

Decision Due

**17th September 2013**

Ward

**Dalry and West Kilbride**

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<b>Recommendation</b>	<b>Grant with Conditions contained in Appendix 1</b>
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<b>Location</b>	Site to west of 2 Aitken Street Dalry Ayrshire
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<b>Applicant</b>	BT Openreach 123 Judd Street London WC1H 9NP
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<b>Proposal</b>	Installation of 1 DSLAM telecoms cabinet
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**1. Description**

This is an application for the erection of a telecoms cabinet on the footpath to the west of 2 Aitken Street, Dalry. The cabinet would be approximately 1.6m high x 1.2m wide and would have a depth of 0.45m. There would be a separation of approximately 0.1m from the boundary wall and the rear of the cabinet. The front elevation of the cabinet to the road edge would leave a remaining footpath width of 3.45m to the road.

The application site is located within the Dalry Conservation Area as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). Policy INF8 (Telecommunications) would be relevant, which requires any such proposals to satisfy the criteria listed in the policy. Policy BE1 (Development in Conservation Areas) is also relevant and states that proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area including its setting, buildings, open space and trees shall not accord with the local plan. All development requires to be assessed against the Development Control Statement (DCS) where the relevant criteria would be (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision.

## **2. Consultations and Representations**

The standard neighbour notification has been issued and no representations have been received to date.

**Roads Services** - No objections

*Response: Noted*

## **3. Analysis**

Policy INF8 states that such proposals shall accord with the local plan where the proposal satisfies the following criteria:

- (a) the development is not located in a manner that would be prejudicial to the proper planning of the area. It is considered that the proposal would be minor in scale and as such would not prejudice any future developments;
- (b) the visual impact of the proposal in the townscape and natural environment is acceptable. It is considered that the visual impact would be limited, given the minor nature of the proposal and its position against the boundary wall of 2 Aitken Street.
- (c) there is no negative cumulative visual impact of the development with existing apparatus.
- (d) the applicant has demonstrated that alternative sites have been investigated.
- (e) the possibility of shared operational facilities have been considered.

It is also considered appropriate that a condition could be attached to ensure that when the cabinet becomes redundant , it is removed and the footpath restored to its original condition. In view of the above it is considered that the proposal accords with Policy INF8.

For the above reasons, it is considered that due to the minor scale of the proposal, the cabinet would not have a significant adverse impact on the character or appearance of the conservation area and would accord with Policy BE1. With regards to criteria (a) and (b) of the DCS for the above reasons, it is also found to be acceptable. There would be a distance of approximately 3.45m from the cabinet to the edge of the footpath, maintaining sufficient space for pedestrians. Roads Services also has no objections to the proposal and the proposal would accord with criterion (d). There are no other material considerations. It is therefore recommended that planning consent is granted.

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

See Appendix 1.



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

Cunninghame House, Irvine  
1 August 2013

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

FK



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00393/PP**

Grant subject to the following condition:-

1. That within six months of the equipment becoming obsolete or redundant it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In the interest of the amenity of the area.

Reason(s) for approval:

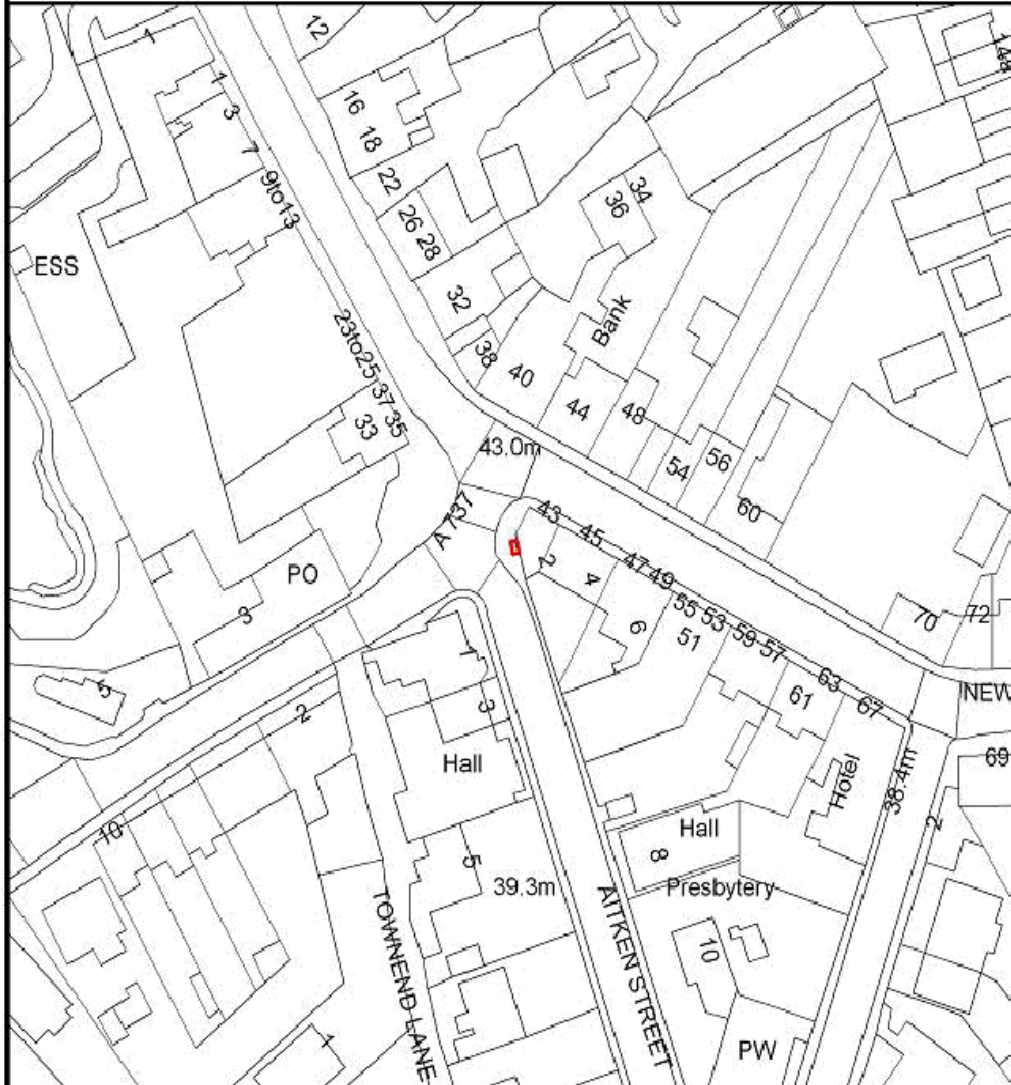
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

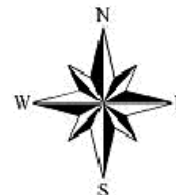
13/00393/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 5.1**

Planning Committee

Planning Area

**14 August 2013  
Irvine/Kilwinning**

Reference

**13/00398/PP**

Application

**19th July 2013**

Registered

Decision Due

**19th September 2013**

Ward

**Kilwinning**

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<b>Recommendation</b>	<b>Grant as per Appendix 1</b>
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**Location**32 St Winnings Well  
Kilwinning**Applicant**Michael O'Hagan  
32 St Winnings Well  
Kilwinning  
KA13 6JZ**Proposal**Part change of use of open space to form garden ground and erection of single storey extension to side and rear of end terraced dwellinghouse

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**1. Description**

This application seeks planning permission for the part change of use of open space to form garden ground and the erection of a single storey extension to the side and rear of an end terraced dwellinghouse at 32 St Winnings Well, Kilwinning. The proposed extension would project approximately 3m from the side elevation of the existing house and approx. 4.7m from the rear. The extension would accommodate a shower room, utility and kitchen. The roof would be mono-pitched to the side and hipped roof to the rear. Finishing materials would be render and concrete tiles to match the existing house.

To accommodate the proposed extension the applicant is in the process of purchasing a section of ground (8m depth x 1m wide) from the neighbouring property at no. 36 St Winnings Well and is also seeking to purchase an adjoining small area of ground (4m depth x 1m wide) which is within the ownership of North Ayrshire Council. The site is bounded to the north and east by residential properties and to the west is the Glasgow - Ayr Railway Line. The area of open space is heavily overgrown and there is a line of mature trees along its northern boundary with the railway line. The open space has an overall area of approx. 90sqm and is accessed from a narrow lane to the south of the application site between no.'s 42 and 44 St Winnings Well.

The application site is within a residential area as identified in the adopted North Ayrshire Local Plan excluding Isle of Arran and is unaffected by any site specific policies or proposals.

Policy OS1 (protection of open space) is relevant and states that development of land identified as protected leisure and open space and small areas of recreational and amenity open space, not individually identified on the local plan map shall not accord with the local plan unless it can satisfy a range of criteria. The criteria includes the impact on the amenity, character and appearance of the area and the need to avoid the setting of an undesirable precedent for incremental loss of open space.

The proposal also requires to be assessed against the Development Control Statement (DCS) contained within the local plan where the relevant criteria would be (a) siting, design and external appearance and (b) amenity.

## **2. Consultations and Representations**

The standard neighbour notification has been issued by the Council and no objections or representations have been received. NAC Estates advise that the area of open space is within Council ownership.

## **3. Analysis**

The application requires to be determined against the relevant policies and provisions of the Development Plan and any other material consideration. The relevant policy is OS1 (Protection of Open Space), of which criteria 1 and 3 are considered relevant. The proposal also requires to be assessed against the DCS. Criterion 1 states that proposals should not have a detrimental impact upon the amenity, character and appearance of the area concerned. The area of open space is currently bounded to the north, east and south by residential properties and to the west by the Glasgow- Ayr Railway Line. NAC Estates advise that the site has been unused for some time and has not been maintained. The site serves no recreational and limited amenity value to the surrounding area.

It is considered that given the size of the site, it would not have a significant detrimental impact on the character and appearance of this area and as such the use as garden ground to accommodate an extension would be acceptable in this instance. It is considered that the proposal would accord with criterion 1 of Policy OS1.

Criterion 3 a) requires that any recreational value of any active or passive open space is not adversely affected when considered in relation to the overall level of provision in the local area and Criterion b) requires that no undesirable precedent is set. As noted above, the site has no recreational and limited amenity value to the surrounding area. It is considered that the proposal would have no impact on any other areas of recreational or passive open space or set any undesirable precedent.

In relation to the DCS it is considered that the extension would be of an acceptable design, scale and finish and would not have a detrimental affect on the character and appearance of the surrounding area. There would only be one side window, which would serve the utility room, therefore there would be no significant loss of privacy to adjoining properties. With regards to overshadowing, the application property is situated to the south-east of the adjoining property and it is not considered that the extension would overshadow the rear elevation or garden area to a significant extent or duration.

In view of the above, it is considered that the extension and change of use of open space would not have an adverse impact on the character, appearance or residential amenity of the surrounding area and would accord with Policy OS1 and criteria a) and b) of the DCS. It is therefore recommended that planning permission is granted.

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

See Appendix 1.



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

Cunninghame House, Irvine  
25 July 2013

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



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00398/PP**

Grant (No conditions).

Reason(s) for approval:

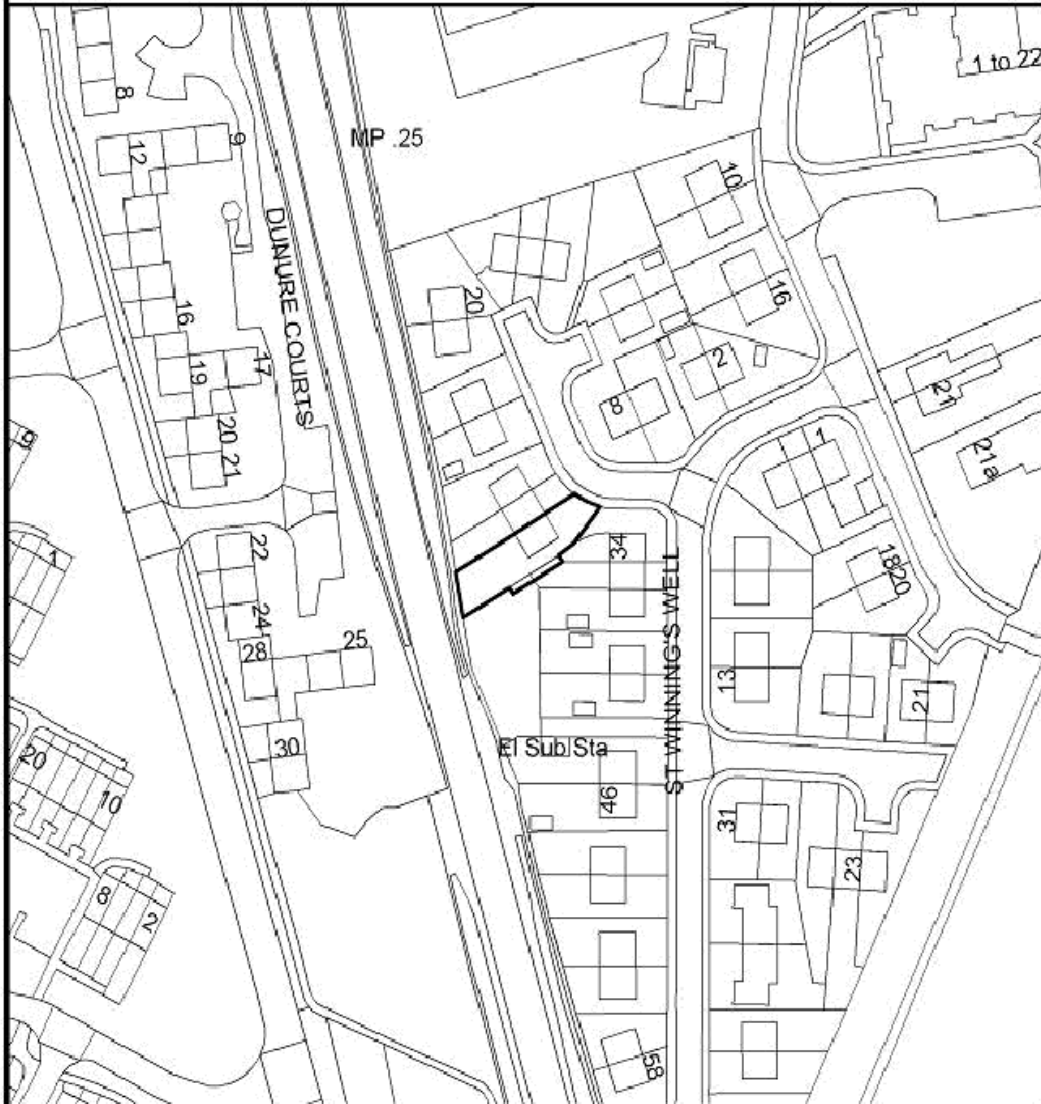
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

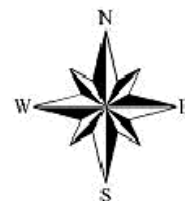
13/00398/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 5.2**

Planning Committee

Planning Area

**14 August 2013  
Irvine/Kilwinning**

Reference

**13/00384/PP**

Application

**10th July 2013**

Registered

Decision Due

**10th September 2013**

Ward

**Irvine West**

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**Recommendation**

**Grant with Conditions contained in  
Appendix 1**

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**Location**

Si! Cafe Bar Restaurant  
18 Kilwinning Road  
Irvine

**Applicant**

Malcolm & Karen Simpson  
The Gailes  
Marine Drive  
Gailes  
Irvine

**Proposal**

Amendment to planning permission No.  
10/00801/PP for bar/restaurant to include the  
erection of store within the rear car park, formation  
of enclosed service yard, elevational alterations  
(all in retrospect), together with amendments to  
car parking layout and additional parking spaces

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## **1. Description**

The above application seeks approval for works already undertaken at the Si! Cafe/Bar/Restaurant premises, in addition to a proposal to form a roof over an open storage enclosure to the rear of the site and the formation of an additional parking area for customers to the front. Planning Permission subject to conditions was granted in March 2011 for the demolition of a hotel and the erection of a bar and restaurant together with ancillary accommodation, landscaped gardens with outdoor barbecue area, flag poles, access road, parking and service yard.

The car parking layout approved within this planning permission indicated the provision of 47 spaces. However, only 44 spaces had been formed when the premises were due to open to the public earlier this year, a matter which had been brought to the Council's attention by a local resident. The number of parking spaces was then rectified following a site inspection, although a number of complaints were subsequently received from local residents due to a claimed shortfall of parking relative to demand following initial opening.

As a result of the initial complaints, the Council has been involved in a series of discussions with the site operator, who advised that the original business concept of cafe/bar/restaurant has been modified to two bar/restaurants, each with different themes, within the building, which resulted in some alterations to the way the site is operated from the original concept, as approved in 2011. Therefore, whilst the overall uses approved in the original planning consent remains the same, the balance of the business has shifted more towards licensed restaurant use, whilst retaining bar use.

A further issue arising from these discussions was that the service access gate required to be widened in order to facilitate delivery vehicles to safely enter the site from Hight Gardens and leave from Kilwinning Road. Following the widening of the gate by the site operator, delivery vehicles to the site are also advised to arrive prior to 11am, after which the gate is closed in order to maximise the number of parking spaces available and deter the use of Hight Gardens.

The proposed additional car parking area would result in a further 8 spaces being formed, giving an overall total of 55 spaces within the site.

Arising from the modifications to the business concept, a blockwork storage enclosure was built to the rear of the site prior to the premises being opened. This was not part of the original planning permission, and has now been applied for in retrospect. In addition, it is now proposed to form a mono-pitch roof with ventilated louvres over this enclosure. It is advised in the supporting information that the store would be used to provide "dedicated space for the efficient management of supplies," although it had previously been indicated during discussions with Officers that this enclosure would be used as a garden furniture store.

An enclosed service yard was also created to the rear of the building, which was larger than originally approved and is enclosed by a 1.8 metre high timber fence, rather than a rendered blockwork wall as approved. There are several structures within this area used for storing waste materials for recycling as well as a chill unit.

Various other minor changes to the external alterations that had been undertaken during construction have also been included in this application in order to ensure that there is consistency between the original planning permission and the completed development. Some additional landscaping is also proposed.

The applicant has submitted a supporting statement which addresses in detail the reasons for the application.

The site is located within a residential area in terms of the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). The application requires to be considered in terms of the Development Control Statement of the Adopted Local Plan.

## **2. Consultations and Representations**

The application was subject to statutory neighbour notification procedures. Three representations have been received and the following points have been made:

1. Seek confirmation that 55 parking spaces are definitely going to be constructed as per drawing 135/036/PL, and also when this work is likely to proceed assuming planning permission is granted.

*Response: Further discussion would be required on the timescale for the implementation of the additional car parking spaces. This matter could be addressed by an appropriate condition. Monitoring undertaken by the site operator over recent months has not demonstrated an immediate need for additional parking spaces at the present time, but management has determined that the peak level of business may not yet have been reached. See also Roads response and Analysis below.*

2. The current situation is alleviated due to the fact that staff do not park within the site. What guarantee can NAC provide to ensure that members of staff do not eventually return to park within the site?

*Response: Whilst the Council cannot offer a guarantee on this issue, the consistent advice from the site operator is that the priority must continue to be given to customer parking. Notably, the Roads Guidelines do not distinguish between staff and customer parking standards, and it is therefore a management decision as to how parking spaces are allocated. It is clearly in the interests of the business that the parking arrangements are adequate to meet demand.*

3. Some of the delivery vehicles to the site, as well as some customers, are continuing to use Highet Gardens as turning circle. Some vehicles travel at speeds that are considered unsafe, which could lead to a serious injury. Such traffic also contributes to vibration in the buildings and at least two areas of sinkage in the road surface.

*Response: Highet Gardens, although a cul-de-sac, is an adopted, public road. Management practices were introduced to ensure delivery vehicles and customers do not use Highet Gardens as a means of turning. The condition of the road surface is not a planning matter and its maintenance is a matter for the Roads authority. Concerns about speeding are a matter for the Police.*

4. The space between the rear of the storage enclosure and the timber boundary fence has or is being used as a dump, with materials being left there which block drainage and could eventually rot the fence. In addition, the storage enclosure can be overlooked from a bedroom window, which is considered unacceptable. Therefore, this building should now be demolished and reinstated to a landscaped corner as per the original planning consent.

*Response: This matter has been reported to the site operator in order that the area concerned is cleared of all debris. Permission for this structure, including a roof over it, is being sought through this application and an assessment will take place below. It is not agreed that the siting/design of the storage enclosure is unacceptable.*

5. The timber fence around the service area is not high enough to fully screen waste containers and the chill. Excessive noise emanates with external doors slamming and bottles being emptied. This fence should be replaced by the brick wall to full height as per the original consent.

*Response: Whilst the above points are noted, the supporting statement indicates that "re-assessment of the operational structure of the bar/restaurant generated the requirement for a larger service yard and the initial blockwork enclosure was abandoned in favour of a timber enclosure which presented a lighter visual impact on the overall rear image of the development." Planning consent is now being sought for the structure as built, and an assessment will take place below. Environmental Health advises that there has been no complaints about noise, with the exception of the initial concerns about the bin storage area, when it was located adjacent to Highet Gardens, but would investigate any such complaints. Any specific noise complaints should be directed to Environmental Health when they arise.*

6. The unauthorised works which took place were unacceptable and it is considered that this application should be refused, with respect to the storage enclosure and service area, and the original approved plans enforced.

*Response: Having considered the reasons provided by the applicants for the amendments, together with the mitigation measures proposed in respect of the storage enclosure, it is not considered that refusal and enforcement would be a reasonable course of action. An assessment of the merits of the application is provided below.*

#### Consultations

**Roads** - no objections. The applicant has amended the plans since the initial submission 10/00801/PP. The revised proposals satisfy the requirements. There is sufficient parking and turning within the confines of the site to accommodate the proposed development such that it will not impact on the adjacent public road network.

On the objector's concern about the damage to the road surface at Highet Gardens, the matter will again be investigated by the Roads Inspector and appropriate action taken as deemed necessary.

*Response: Noted.*

### **3. Analysis**

The application requires to be assessed in terms of the provisions of the adopted Local Plan and the Development Control Statement.

The site is within a residential area in terms of the adopted Local Plan. The development replaced a former hotel which had ceased trading a number of years ago. The proposed restaurant/bar use was compatible with the long established previous use of the site. The current proposal seeks approval for amendments which do not raise policy issues.

In terms of the DC Statement, the relevant criteria are (a) Siting, Design and External Appearance, (b) Amenity and (d) Roads, Access and Parking.

With regard to (a) the development as built differs from the previous approval in that some of the windows were altered, the service area was of a larger size and the storage enclosure has been added. The "as built" development is considered acceptable and has resulted in positive regeneration benefits to the area in a number of ways, including the redevelopment of the site with a unique, high quality building and the generation of new jobs for the town. The minor built changes are considered to be acceptable on the grounds that all of the operational requirements of the development were not fully envisaged by the developer at the initial planning application stage. In order to address complaints received earlier in the year about the storage enclosure, which had initially been used as a refuse store and beer barrel store, the site operator agreed to remove all waste receptacles and beer barrels from this area. It has been proposed in the current application to erect a roof over the enclosure structure in order to enhance its appearance, and use it for storage of supplies rather than waste. It is considered that this would be a positive improvement, as the roof structure would conceal the contents of the store in a manner that would be sensitive to the nearby housing. The proposed roof would also continue the high standard of design quality evident throughout the development.

With regard to the service area, it is accepted that the larger area is necessary to meet the operational requirements of the business and that the timber finish is acceptable in that it lessens the visual impact whilst providing the necessary screening of the bins and chill unit. Whilst the external storage units are visible above the timber fence, it is not considered that this is significantly detrimental to visual amenity given that the designs and finishes of the structures are of an acceptable standard.



With regard to (b) the service yard is considered to have an acceptable impact on amenity. Similarly, the enclosed store, with the added roof, would be acceptable in terms of the impact on amenity. The development overall has had a positive impact on the visual amenity and perception of the area. The additional parking area would result in some loss of amenity to the front of the building, but this would be mitigated by the grey paviers and gravel surface, which is of "softer" appearance than tarmac. In addition, the surrounding landscaping would be retained and added to with additional planting.

With regard to (d), Roads has no objection to the proposal. A condition can be imposed to require the site operator to submit for the Council's approval, details of the timescale for the implementation of the additional parking area in order to secure its provision at an appropriate time. Whilst the site operator has stated that there is no immediate need, they have acknowledged that the business has not yet peaked in terms of customer demand. In the meantime, it is considered that the front garden area presents a positive and welcoming setting for the building.

There are no other material planning considerations, and the application should therefore be granted, subject to this condition, and the re-imposition of Condition No. 5 from the previous consent in relation to the hours of operation for the beer garden and first floor terrace. The other 4 conditions of the original consent (ref. 10/00801/PP) related to the details and implementation of landscaping, the finishing materials and the identification of any unsuspected contamination at the site, all of which have been addressed.

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

See Appendix 1.



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

Cunninghame House, Irvine  
30 July 2013

For further information please contact Anthony Hume, Planning Officer , on 01294 324318



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00384/PP**

Grant subject to the following conditions:-

1. That, within one month of the date of this consent, hereby approved, details of the timescale for the provision of the additional parking area shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include evidence of monitoring activities and demonstrate to the satisfaction of the Planning Authority the justification for the proposed timescale. Thereafter, the implementation of the additional parking area shall be undertaken in accordance with the timescale as may be approved in accordance with the layout on drawing 135/0356/PL, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
2. That the external seating areas, including the beer garden and first floor terrace, may be used for any purpose ancillary to the bar/restaurant hereby approved only between the hours of 1100 and 2300 on any day, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. For the avoidance of doubt, no amplified music shall be played externally.

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

1. To maintain control over the development in the interests of the proper planning of the area.
2. In the interests of the amenity of the surrounding area.

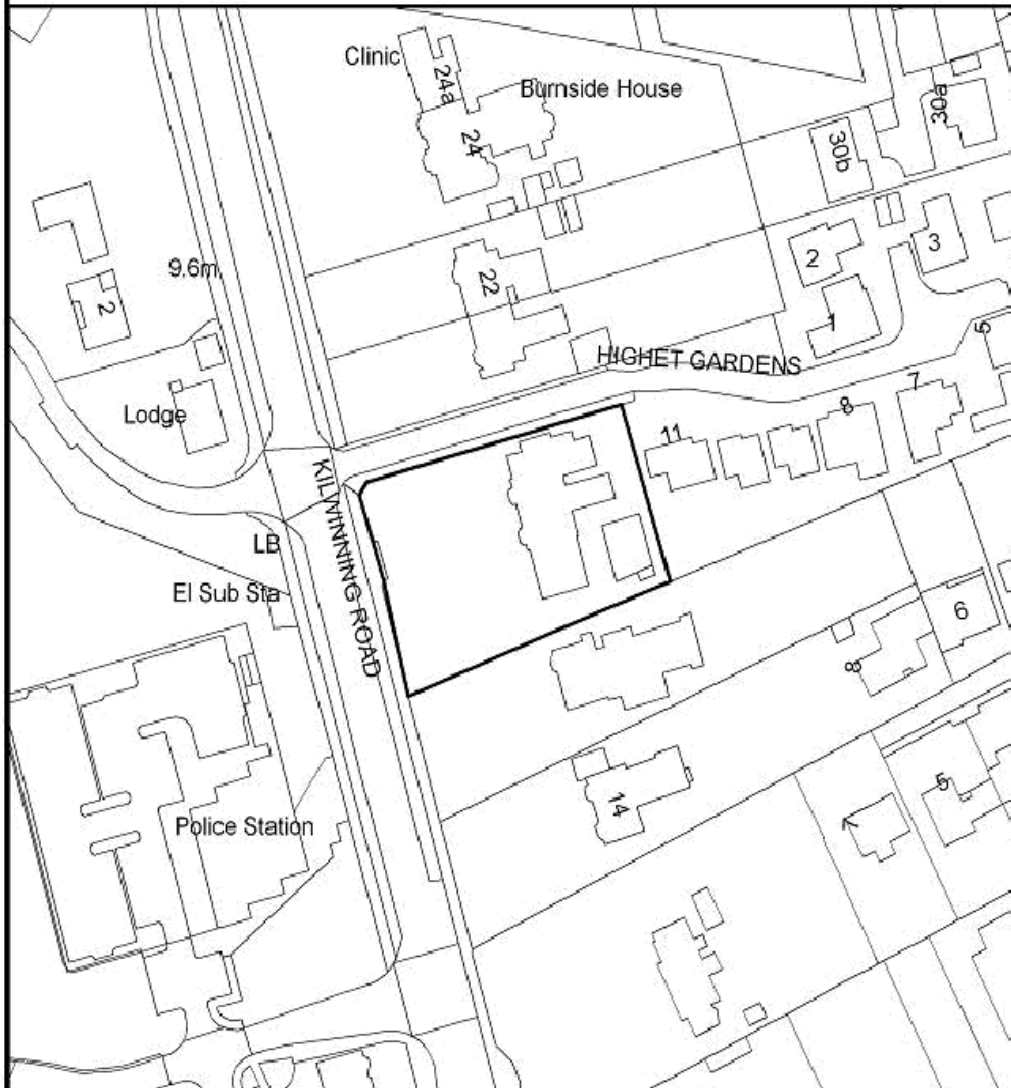
Reason(s) for approval:

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



# Committee Plans

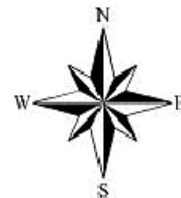
13/00384/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.1**

Planning Committee

**14 August 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00326/PP**

Application

**7 June 2013**

Registered

Decision Due

**7 August 2013**

Ward

**North Coast and Cumbraes**

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

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**Location**Site to South of 11 Highfield Terrace  
Fairlie  
Largs**Applicant**Fairlie Community Sports Club Fao Michael  
McGinty  
14 Castlepark Gardens  
Fairlie  
KA29 0BS**Proposal**Formation of a multi use games area to replace  
former tennis court

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**1. Description**

This is a planning application for the formation of a Multi Use Games Area (MUGA) to replace the former tennis court (tarmac with high level mesh fencing), within an area of open space to the south of 11 Highfield Terrace, Fairlie, between Highfield Terrace and Castlepark Drive. The former tennis court is currently in a poor condition. Within the wider established area of open space, there is a playground and two existing tennis courts, one of which is currently unused.

There are residential properties to the north, east and west of the area of the open space, with the property at 11 Highfield Terrace being the closest to the site of the MUGA. There is a line of cherry trees to the west of the proposed MUGA and there are cherry trees along the roadside of Highfield Terrace. The trees are not protected. The ground is owned by North Ayrshire Council.

The MUGA would have an artificial surface, with a playable area of 16.5 metres by 36 metres and could be used for a variety of sports, including football, netball and tennis. The MUGA would be 5 metres from the north boundary of the area of open space. The MUGA would be enclosed by green (RAL 6005) metal meshed fencing, with the east, south and west elevations being 3 metres high and the northern elevation and first panel of the side elevations, adjacent to the north elevation, being 5 metres high. The project is being promoted by the Fairlie Community Sports Club for community use.

In order to accommodate cut off drains and a surrounding pathway, the perimeter of the overall footprint extends 2.5 metres into the natural overgrown slope to the east. The ground to the east would be regraded to eliminate the need for a built retention structure.

Planning permission is only required for the engineering operations and the perimeter fencing as there is no change of use. Amended plans have been received to delete floodlighting poles and floodlighting is not proposed as part of the development. The submitted drawings illustrate a changing pavilion as a future phase of works, which does not form part of this current planning application.

The agent has submitted a supporting statement, which advises that the MUGA would allow the Club to have three courts to a club competition standard. One existing court is presently maintained and the second existing court is currently overgrown, which can easily be re-instated. The MUGA is a reinstatement of a court facility that went into irretrievable disrepair and this proposal allows the Club to reinstate its three court facility whilst also adding community use as a MUGA. The application is not for a new or additional court. The Club accepts the recommendations of the Arboricultural Officer to have the existing cherry trees adjacent to the MUGA removed and to replant similar trees at a location to be agreed with North Ayrshire Council. The agent agrees that the cherry trees adjacent to Highfield Terrace are of high quality and the Club accepts that the construction of the MUGA shall be carried out in a manner not to endanger these trees.



The application site is situated within an area of leisure and open space as identified within the North Ayrshire Local Plan (Excluding Isle of Arran). Policy OS 1 of the adopted Local Plan relates to the protection of open space, which states that the development of land identified on the Local Plan Map as protected leisure and open space, including school playing fields, and small areas of recreational and amenity open space, not individually identified on the Local Plan Map, shall not accord with the Local Plan unless it can satisfy the following criteria:

1. The proposed development will not have a detrimental impact upon the amenity, character and appearance of the area; and
2. Where the proposed development is for an outdoor recreational or leisure use, it will:
  - (a) improve the quality and range of sports or leisure facilities within the Local Plan area; and
  - (b) not lead to a net loss of open space or playing fields; or
3. Where the proposed development is for a use other than outdoor recreational or leisure purposes, it will:
  - (a) not adversely affect the recreational value of any area of active or passive open space when considered in relation to the overall level of provision in the local area;
  - (b) not set an undesirable precedent for further incremental loss of open space; and
4. Where the development affects existing playing fields or other outdoor recreational facilities, there will be no loss of amenity and alternative provision of equal community benefit and accessibility will be made available.

Policy OS1A of the adopted Local Plan relates to New and Upgraded Leisure and Recreational Facilities, which states that the upgrading of existing facilities or the provision of new sports and recreational facilities to expand and improve the range available to local people, through public, community or private ventures shall be supported by the Local Plan, in appropriate locations.

The proposal also requires to be assessed against the Development Control Statement of the adopted Local Plan, which states that the development should have regard to the amenity of the surrounding area with respect of siting, design and privacy etc.

## 2. Consultations and Representations

The statutory neighbour/owner notification procedures have been carried out and the application was advertised in the local press on the 19 June 2013. Five objections, one of which is a second objection letter, one representation and one comment in support of the application have been received, which can be summarised as follows:

### Grounds of Objection/Representation:

1. Notification has not been carried out to the properties facing the site on Highfield Terrace. No provision has been made for additional parking facilities and there is a shortage of parking along Highfield Terrace for residents. Additional cars would make it difficult for residents to enter/exit their driveways, there would be difficulties in turning at the end of Highfield Terrace, would cause safety issues regarding access for emergency vehicles and for children on Highfield Terrace and Castlepark Drive. Who would be responsible for repairs/maintenance to the road surface on Highfield Terrace after construction and when the facility is operational? Access for construction traffic would be difficult, which would damage the existing roads and associated private property. The junction between School Brae and Main Road is already difficult to negotiate with poor sightlines

*Response: as there is a distance in excess of 20 metres from the site to the properties at Highfield Terrace, neighbour notification is not required, however the application was advertised in the local press. Roads has been consulted and offered no objections (see consultation response below). The applicant has agreed to the erection of signage at Highfield Terrace, advising that it is a private road offering no parking for the MUGA facility. This information will also be contained within the signed agreement if the facility is hired. The agent has confirmed that construction traffic would access the site from Castlepark Drive and not from Highfield Terrace. The repairs/maintenance to the private road at Highfield Terrace would remain a private matter.*

2. Floodlighting is inappropriate within a residential area as this would cause light pollution. It has been suggested that it would be more appropriate to improve the existing tennis courts or to reinstate the former tennis court. There would be noise issues as the use of the facility would be intensified and it should be considered how the facility would run in terms of times of use. A restriction of hours of use should be no later than 9pm. It is inappropriate for this facility to be available for use at anytime demand considering its proximity to a residential area. The proposal would result in overlooking, loss of privacy and damage to the neighbouring properties (including occupants).

*Response: the floodlighting poles have been deleted from the proposal and floodlighting does not form part of this planning application. A planning condition could be imposed in this regard. A separate planning application would be required to allow for floodlighting. In the supporting statement, the agent has confirmed that the existing courts would be reinstated to a playable level, which would result in three courts being available. With regard to noise, there is no change of use involved. Environmental Health advise that a Noise Impact Assessment should be carried out (see consultation response below). It would not be reasonable to impose a planning condition with regard to the hours of use, as this planning application solely relates to the engineering operations and the perimeter fencing. Should complaints occur, regarding noise nuisance, this would be a matter for Environmental Health. With regard to overlooking and loss of privacy, as there is no change of use involved and the fact that the area is currently designated open space, it is considered that there would be no significant impacts with overlooking/loss of privacy. Furthermore a 5 metre high green metal meshed fencing would be installed along the northern elevation. Damage to neighbouring properties is not a material planning consideration and is a matter for the police and the Sports Club.*

3. Concerns have been raised with the cost of the works proposed, which could be negated if the games area was to be located on a flatter area. There is no indication as to whether the proposal would be acceptable with the railway tunnel below and a detailed method statement and risk assessment should be submitted. It would not be possible to build the games area without damaging the cherry trees to the west and if the trees could be protected, the roots and canopies would cause damage to the surfacing and fencing of the games area.

*Response: the cost of the works is not a material planning consideration. Network Rail was consulted on the application due to the presence of the railway tunnel and offered no objections, however advised that a planning condition or an advisory note is imposed with regard to the construction works. The Arboricultural Officer has advised that the cherry trees adjacent to the MUGA should be removed and replanted and a planning condition could be imposed in this regard.*

Ground of Support:

1. This is a great facility for the children of Fairlie and is long overdue.

*Response: Noted.*

## **Consultations:**

**Development Planning Services (Roads)** - no objections. The agent has provided additional information and has confirmed that parking along the private road at Highfield Terrace will be discouraged and that signs will be erected to indicate that no parking is available within this private area. The applicant shall contact North Ayrshire Council regarding the design and location of the signs. On street parking is available along Castlepark Drive, however it is noted that this is a local facility and it is expected that most users will walk or cycle to this facility. If, in the future, a pavilion/clubhouse is required, this will be a separate issue and may require dedicated parking.

*Response: a planning informative could be imposed with regard to the signs. As users are likely to cycle to this facility, the agent has agreed to the provision of cycle racks adjacent to the MUGA and a planning condition could be imposed in this regard.*

**Environmental Health** - due to the proximity of nearby noise sensitive properties a Noise Impact Assessment should be undertaken in accordance with the Scottish Government document "Technical Advice Note-Assessment of Noise 2011". This assessment will require to establish if the rated noise level (LAeq 1hr) from the operation of the MUGA will exceed the background noise level (LA90) by 10 dB or more. If the rated noise level would exceed the background noise level by 10 dB or more it is likely that justified complaints will be received. The assessment would also identify if suitable control measures could be introduced to ensure that the rated noise level does not exceed the background noise level by 10 dB or more. If suitable control measures cannot be introduced then it may be necessary to consider an alternative site.

Consideration should be given to the design of the MUGA perimeter fencing to establish if it is practicable to incorporate features to minimise the effects of impact noise and vibration (particularly in the goal area closest to 11 Highfield Terrace).

*Response: the agent has submitted additional information following the receipt of this consultation response, confirming that this application relates to the re-instatement of an existing sports court facility and is not the introduction of a new facility. The original surface of the tennis court was tarmac and as such was a multi use surface on which football and tennis etc could have been played. The agent considers that the condition recommended by Environmental Health has no relevance to the engineering aspects for which planning permission is being sought. The facility is historical, and although Environmental Health has the right to monitor and intervene where an existing facility is causing noise nuisance, the agent considers that they cannot intervene when an existing facility has not caused noise nuisance.*

*In response to the agents comments above, it is solely the engineering elements of the works and the perimeter fencing that require planning permission; the proposal does not involve a planning change of use. As the area could be used as an informal tennis or football facility without planning permission, it is not reasonable to impose the recommended planning condition. Furthermore, should noise complaints be received, Environmental Health would have the right to investigate the issue and the agent is aware of this. A planning informative could be imposed to ensure the applicant contacts Environmental Health regarding the perimeter fencing.*

**Fairlie Community Council** - no response.

**Network Rail** - no objections, however as Fairlie Tunnel is below the site, a planning condition or an advisory note should be imposed to ensure that construction works are undertaken in a safe manner which does not disturb the operation of the railway.

*Response: a planning informative could be imposed in this regard.*

**NAC Estates** - a 25 year lease has been approved in relation to this site.

**NAC Streetscene (Arboricultural Officer and Open Space)** - the retention of the cherry trees to the west of the MUGA would be impractical given the type and extent of pruning that would be required to keep them clear of the fencing and to prevent a build up of moss on the surface. Felling and removal may be the only practical option available. Any tree loss would have to be mitigated by replacement trees within the site, further away from the MUGA. In terms of amenity value, the cherry trees along the roadside of Highfield Terrace are of higher value. Protection of these during any works are to be ensured.

*Response: a planning condition could be imposed in this regard.*

**Sportscotland** - no objections. The facility will complement the adjoining playpark and provide the potential for the site to host competitive tennis, should the other tennis courts be upgraded.

### **3. Analysis**

The proposal requires to be assessed against the relevant policies of the adopted Local Plan, namely Policies OS1 and OS1A together with the relevant criteria of the Development Control Statement and any other material considerations.

It is considered that the proposal complies with Policy OS1 (Protection of Open Space) and Policy OS1A (New and Upgraded Leisure and Recreational Facilities), as the proposal would improve the quality and range of sport/leisure facilities and would not comprise of a net loss of open space. The proposed MUGA would expand and improve the recreational facilities available to local people.

In relation to the Development Control Statement criterion (a): siting, design and external appearance, the siting is established given the use of the site and does not constitute a change of use. The MUGA would be of an acceptable design and finish and is typical of such a facility.

As regards criterion (b): amenity; it is not considered that the proposal would result in unacceptable impacts on nearby residential property in terms of noise, loss of privacy, vehicular or pedestrian traffic or other nuisances, as the proposal relates to a replacement facility and does not constitute a change of use.

In relation to criterion (d): access, road layout and parking provision, Development Planning Services (Roads) has no objections, and a planning condition could be imposed regarding the signage on Highfield Terrace, as noted above.

There are no other material considerations to address.

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

See Appendix 1.



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

Cunninghame House, Irvine  
23 July 2013

For further information please contact Julie Hanna , on 01294 324330

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00326/PP**

Grant subject to the following conditions:-

1. That, prior to the commencement of the development, hereby approved, details of the proposed location and design of the cycle parking racks, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter, the approved details, shall be implemented prior to the commencement of the use of the multi use games area.
2. That, prior to the commencement of the development, hereby approved, details relating to: (i) the felling and replanting (siting and species) of the cherry trees to the west of the multi use games area; and (ii) measures for the protection of the existing cherry trees along the roadside of Highfield Terrace during the course of the development in accordance with BS 5837:2012, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. All planting shall be carried out in the first planting season following the coming into use of the multi use games area 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.
3. That for the avoidance of doubt, floodlighting is not approved as part of this development, and the changing pavilion, illustrated on Drawing No. DD 101 (Revision C) does not form part of this planning approval..

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

1. In order to provide sufficient cycling parking facilities.
2. In the interest of the amenity of the area.
3. To clarify that the planning permission.

Reason(s) for approval:

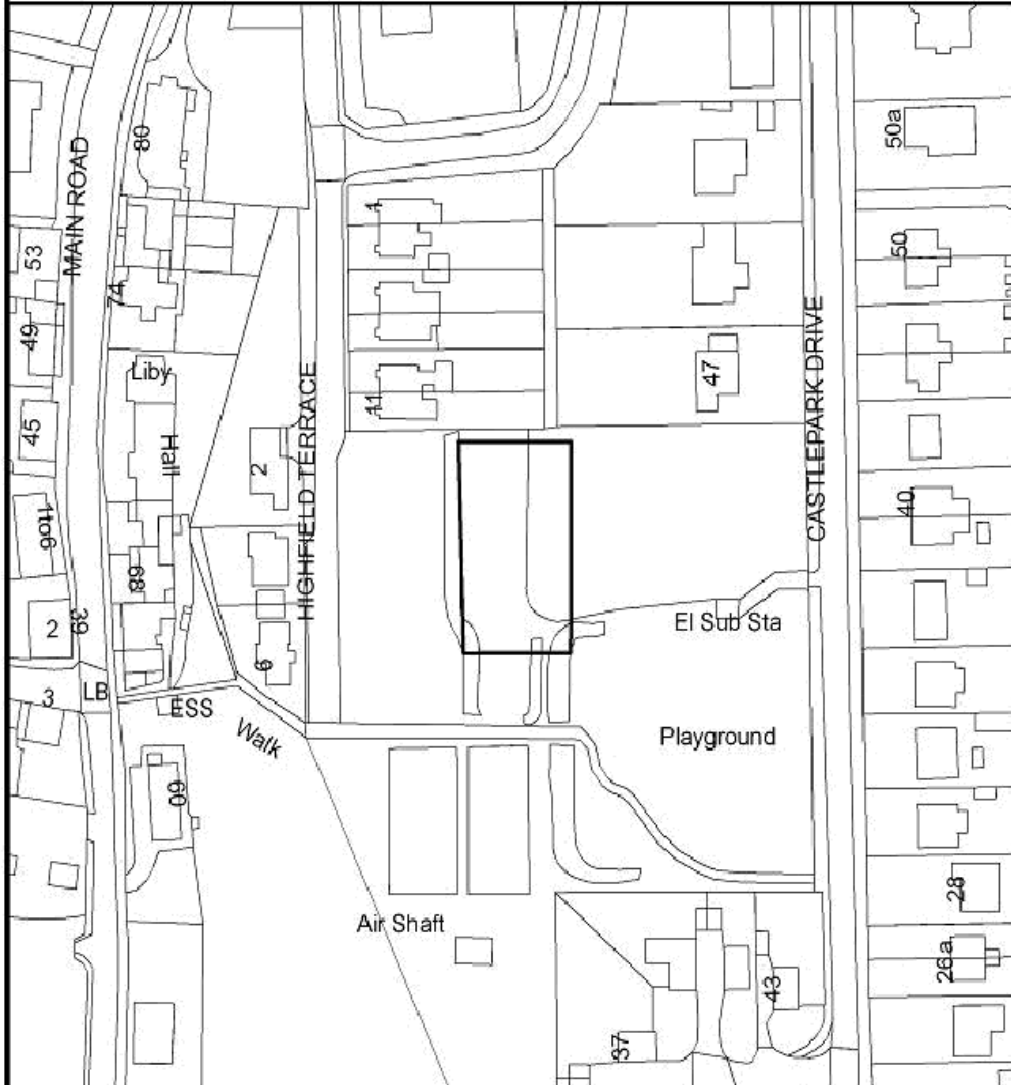
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

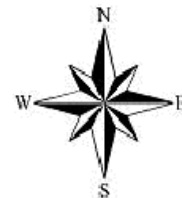
13/00326/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.2**

Planning Committee

**14 August 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00278/PP**

Application

**15th May 2013**

Registered

Decision Due

**15th July 2013**

Ward

**North Coast & Cumbraes**

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<b>Recommendation</b>	<b>Grant as per Appendix 1</b>
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**Location**Site to north of car park  
Pier Road  
Fairlie**Applicant**Organic Growers of Fairlie  
Pier Road  
Fairlie**Proposal**Continuation of use of land for Community Garden and retrospective permission for erection of storage/garden room building and four polytunnels

---

**1. Description**

The application site, which extends to approximately 0.8 hectares, is located to the north of the public car park on Pier Road, Fairlie and bounded to the north by Fairlie Quay Enterprise Park; to the east by a woodland belt, which separates the site from residential properties at Marine Court; and to the west by the foreshore and a water treatment works. Vehicular and pedestrian access to the site is from Pier Road. Planning Permission (08/00241/PP) for a temporary change of use from vacant land to a Community Garden, and the siting of a storage container and raised planting beds, was granted on 9 May 2008 for a five year period.

The application seeks permission to both continue the use and, in retrospect for the erection of three freestanding polytunnels, an extension to the storage container, which is used as a garden room/storage shed and has an attached polytunnel fixed at the rear. The freestanding polytunnels are of similar design although with slight variations to their length and height, being semi-circular in section, one measuring 16m x 8m and 3.3m high; one of 22m x 5.5m and 3m high; and the third 26m x 8m and 3.3m high. The additional lean-to polytunnel attached to the garden room/storage shed is 13m x 3m and 3m high, all finished in semi-opaque heavy duty polythene on wire frames.

The garden room/storage shed building is two steel storage containers set 10m apart and enclosed and externally lined by green metal cladding and stained timber with a similar coloured metal profiled sheeted dual pitched roof, measuring some 16m x 6m and 3.8m high.

In the adopted Local Plan the site is allocated for business and industry and subject to Policy IND10 (Marine Based Activities). The policy supports proposals for Marine Based Activities falling within a Class 4 business use. The application also requires to be assessed against Policy A1 (Non-Conforming Uses not otherwise provided for by any policy in the local plan) and the relevant criteria of the Development Control Statement of the Local Plan which in this case are considered to be (a) siting, design and external appearance, (b) amenity and (d) access, road layout, parking provision.

## **2. Consultations and Representations**

The standard neighbour notification procedure was carried out and the application was also advertised in the local press on 25 May 2013 as "Development Contrary to the Development Plan". No representations were received as a result of the above publicity exercise.

The Council's Environmental Health and Roads Services were consulted on the previous application, and had no objections to the proposed development. Environmental Health did require a site investigation for contamination and a condition required the applicant to submit details in this regard. Environmental Health advises that both the site investigation and approved remediation works were undertaken to their satisfaction.

### **3. Analysis**

The application seeks consent for the continued use of the site as a Community Garden and retrospective planning permission for the erection of the polytunnels and a garden room/storage shed within the site. Temporary consent was granted in 2008 for the use of the land as a Community Garden with a lease of the site from the Council, both of which were granted for short-term periods in order to allow the industrial allocation of the site to be protected and not to prejudice the future use of the site for any industrial interest. Since that time the Community Garden has become well established within the community and the applicant's are currently negotiating with the Council for a lease of the site for a further 10 year period. During the 5 years of operation there has been no expressions of interest for any industrial use of the site.

In the adopted local plan the application site forms part of a much larger site allocated for Marine Based Activities of small scale light industrial and business type activities requiring a coastal frontage. The majority of the remainder of this allocation includes the Fairlie Quay Enterprise Park to the north and the water treatment works to the west of the application site.

As the proposed use of the site as a Community Garden does not accord with local plan policy IND10, an assessment of the proposals against Policy A1 is required. This policy allows uses which do not conform to the land use allocations of the local plan, and which are not expressly provided for by any policy in the plan, to comply with the plan where (a) there is a proven need for the development and a resultant economic, environmental or community benefit arising from the development; (b) no suitable alternative site exists within appropriately allocated land; and (c) the nature of the proposal is compatible with and sympathetic to the character of the surrounding area.

In relation to criterion (a) the demand for the use originated from the local community and during the five years operation the organisation has become well established, with a membership of several hundred people, not just from Fairlie but from all settlements along the north coast, and with a healthy waiting list of people for planting beds within the site/polytunnels. The organisation also has close working links with many other community groups e.g. fair-trade groups, disabled groups and local community associations.

There is also a wide use of the facility by children's groups from schools, churches etc and other groups using the shore front for leisure activities e.g. kayaking, which have been able to share toilet facilities etc within the site. The Garden has also been utilised as a venue for a visiting mental health therapy group. The wide range of visiting groups to the site are provided with advice in relation to climate change, the benefits of processing organic waste and in promoting healthy lifestyles. It is considered that the Community Garden provides significant environmental and community benefit in accordance with criterion (a).

In relation to criterion (b) given the unique type of use operating from the site there are no alternative sites allocated within the plan area.

Criterion (c) requires the proposed development to be compatible with and sympathetic to the character of the surrounding area. The site is well screened and detached from nearby residential properties and, given that the use has now operated from the site for a period of five years without complaint, this criterion is also met.

In relation to the Development Control Statement, criterion (a) requires the proposed development to be acceptable in terms of siting, design and external appearance. The application site is well screened on all sides from public view and the buildings within it are small in scale in relation to the overall site area and larger industrial buildings to the north, and considered to be acceptable. Criterion (b) requires that the development should not have an adverse impact on the amenity of neighbouring residential properties. There is a well established tree belt, of between 13m and 35m wide, separating the application site from the nearest residential properties at Marine Court and there is no record of any complaints arising from the existing operations. The site contamination issues, raised by Environmental Health have been satisfactorily addressed. In relation to criterion (d) Roads, offered no objection to the proposed development commenting that the public road ends just beyond the junction with Marine Court some 200m from the site access. There is also a large area of public car parking located immediately south of the application site with a capacity of over 30 spaces.

For these reasons, it is considered that the proposal can be justified against Policy A1 and satisfies the relevant criteria of the Development Control Statement of the Local Plan. It is recommended that planning permission be granted.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', is positioned above a horizontal line.

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

Cunninghame House, Irvine  
25 July 2013

For further information please contact Gordon Craig, Planning Officer , on 01294 324380





## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00278/PP**

Grant (No conditions).

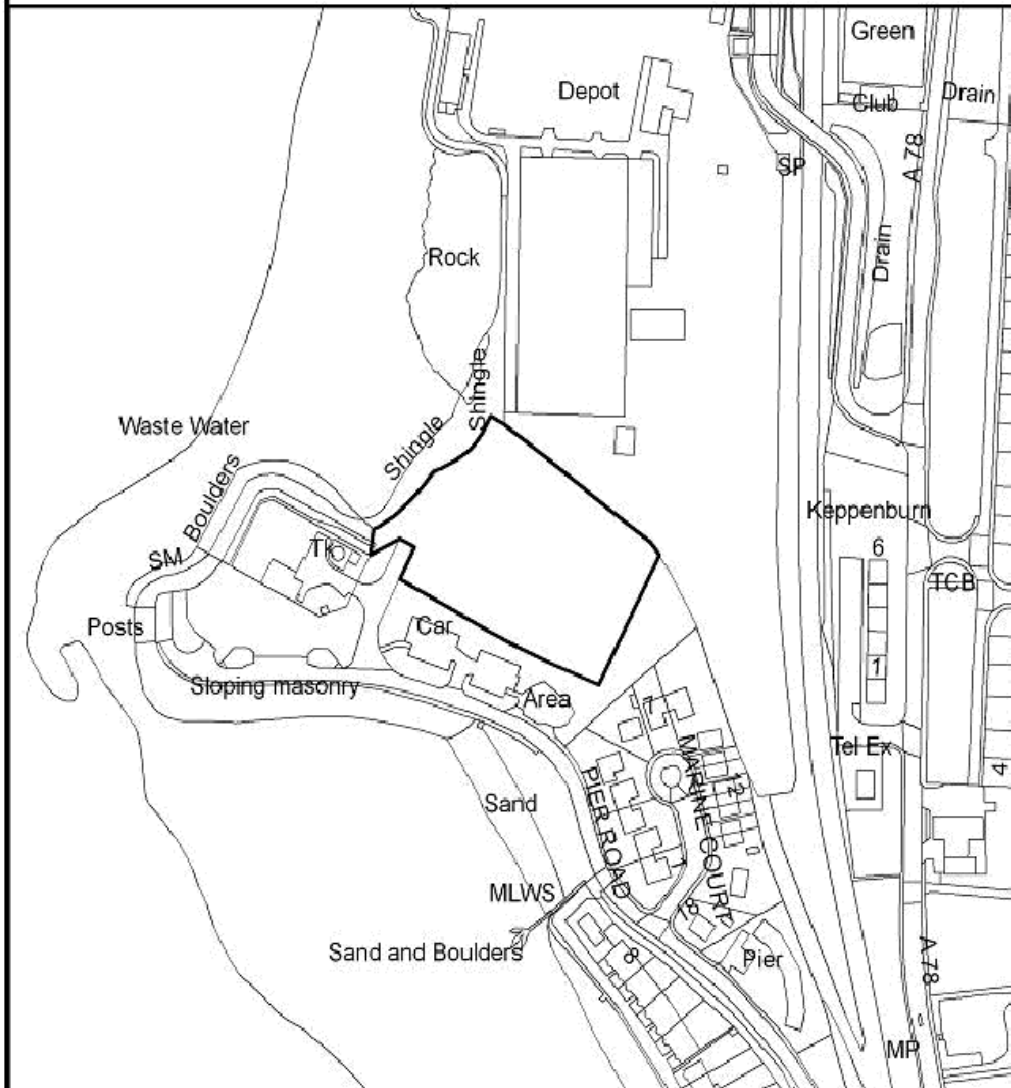
Reason(s) for approval:

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



# Committee Plans

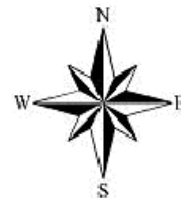
13/00278/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.3**

Planning Committee

**14 August 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00342/PP**

Application

**7th June 2013**

Registered

Decision Due

**7th August 2013**

Ward

**Dalry and West Kilbride**

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<b>Recommendation</b>	<b>Grant with Conditions contained in Appendix 1</b>
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<b>Location</b>	25 Caldwell Road West Kilbride
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<b>Applicant</b>	Mr R Woods 25 Caldwell Road West Kilbride
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<b>Proposal</b>	Formation of Timber Decking and Siting of Gazebo to side of detached dwellinghouse
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**1. Description**

This application relates to a large detached dwellinghouse situated on the west side of Caldwell Road, West Kilbride some 200m south of its junction with Aiknut Road. The proposed timber octagonal shaped gazebo has been partly erected to the southern side of the dwellinghouse close to its boundary with the adjacent property, and measures 2m high to wall head height and a further 1m to the top of its hipped roof, which would be topped by a small finial feature projecting a further 0.5m. The structure measures 3.36m by 3.36m and consists of one open side for access, seven sides with the lower part comprising of vertical timber slats topped by a handrail with the sections above the handrail open.

The applicant has indicated an intention to infill 3 of the sides with timber panels in the interests of privacy for the neighbouring property. The access into the gazebo would face west onto an existing set of steps to the lower garden area.

The gazebo would sit on an area of raised decking, extending to some 25 square metres. The decking has been partially completed and is set at a height of some 490mm above the ground level. It is noted this part of the garden has been altered from its original ground levels, as the site, which slopes significantly downwards from east to west, consists of a number of terraces, similar to other properties on this side of the street.

While not indicated on the submitted plans, the applicant has stated that the roof of the gazebo would consist of horizontal overlapping timber planks, with the infilled wall sections being plywood. A condition could require full details of these finishes to be submitted for approval.

In the adopted Local Plan the site lies within a residential allocation and the application requires to be considered against the relevant criteria of the Development Control Statement which in this case are (a) siting, design and external appearance and (b) amenity.

## **2. Consultations and Representations**

The standard neighbour notification procedure was undertaken and there was no requirement to advertise the application in the local press.

One letter of objection was received which can be summarised as follows:

1. Concern regarding discrepancies on the planning application form and submitted plans e.g. incorrectly referring to the house number of the adjacent property; incorrectly stating that the work had not yet commenced; incorrect legal boundary between neighbouring properties being shown; and the submitted site plan failing to indicate the location of a detached summerhouse in the rear garden.

*Response - The description has been altered to delete reference to the street number of neighbouring properties. It is noted that work has commenced. It is understood that there is a dispute between the parties over the exact location of the boundary, however it is not considered to be significant in the context of the consideration of this application. The summerhouse is situated on a lower section of the applicant's garden some 10m west of the proposed gazebo. There is no record of any application for this structure and this matter can be taken up separately with the applicant, but is not considered to be material to the determination of the current application.*

2. The proposed structure would be obtrusive, being very much in the line of sight from the objectors window and would also cast a large shadow on the objectors property.

*Response - The objectors main lounge window faces directly southwest and enjoys views over their own garden to the Firth of Clyde beyond. While the proposed gazebo would be visible from this window when looking to the north-west over the applicants garden, it would be situated at a lower level, behind a boundary hedge which obscures the bottom section of the proposed structure and would also be partially screened from the view of the window by a tree within the objectors garden. In terms of the difference in levels, the wallhead of the proposed gazebo would be slightly above the sill level of the objectors window. It is not considered that the outlook from this window would be significantly diminished by the proposed gazebo. In terms of shadowing, the proposed structure would be located to the west and north west of the applicants lounge window at a distance of some 4-5m., therefore any shadow would be after 4pm and any adverse impact would be reduced by the presence of the existing boundary hedge and vegetation within the objectors garden.*

3. The raised area of the decking is already causing a loss of privacy due to its height and position outside the objector's lounge window.

*Response - The area of decking which has been constructed is a maximum of some 490mm above the previous ground level at this location and the use of the area of decking, without the gazebo being fixed to it, would not be significantly different from the previous situation. The use of the decking area would be screened from view by the proposed gazebo.*

4. Concern regarding noise within the applicants property, e.g. from the occupiers of the house, the applicants dog, and noisy parties, which is considered will be exacerbated by the presence of the gazebo and decking area.

*Response - If the objector is experiencing noise disturbance from existing activities within the applicants site, these are matters for Environmental Health to investigate.*

5. The applicants existing garage, the unauthorised summerhouse and the area of deck which has been constructed have all been built on a strip of land designated on title deeds of the applicants property as "not to be built on".

*Response - This is a legal matter, rather than a land use planning consideration.*

6. The Planning Committee previously intended to restrict usage of this area of ground in order to preserve privacy for the objectors property and the approval of this application would override the previous planning committee intention.

*Response - A previous planning permission for the extension of the applicants property included an area of raised deck covering this part of the site which would have been some 1.1m higher. The applicant subsequently applied to vary several aspects of the original permission, one of which removed the previously approved section of decking at this location.*

7. The applicant's previous developments have already impacted considerably on the amenity of the objector's property and previous planning permissions and promises have not been adhered to e.g. an unauthorised balcony on the rear elevation of the applicant's house, the unauthorised summerhouse, and the unfinished garage.

*Response - In relation to the unauthorised summerhouse and the unfinished garage, these are matters which will be further investigated and appropriate action taken if necessary. With regard to the upper floor balcony on the rear elevation, while this was refused planning permission and was the subject of a subsequent Enforcement Notice, the Procurator Fiscal decided not to prosecute the applicant and while the structure remains in place it is effectively free from further enforcement action.*

8. Request that the objection letter be circulated to each member of the Planning Committee and that a site visit should be arranged prior to the application being considered by Committee and request, that until the applicant can demonstrate compliance with previous permissions and obtains permission for the other unauthorised works, that no further planning permission should be granted.

*Response - The applicant has been advised that his objection letter would not be distributed to each member of the Planning Committee but that members have access to the case file, which includes the objection letter. Furthermore the points of objection are summarised within this report. The matter of visiting the site is for the Committee to discuss, as is the request that planning permission be withheld until other matters have been resolved.*

### **Consultations**

No consultations were undertaken.



### **3. Analysis**

The application requires to be assessed against criteria (a) siting, design and external appearance and (b) amenity, of the Development Control Statement of the Adopted Local Plan.

In relation to criterion (a) the proposed structure is modest in size and the proposed decking area on which it sits, is a maximum of some 490mm above the previous ground level. While the proposed structure would be sited close to the mutual boundary and main lounge window of the objector's property, it is considered that it would be of acceptable scale and appearance and, being sited below the level of the window, without obstructing the direct outlook, is also considered to be acceptable in terms of siting.

In terms of criterion (b), amenity, the objector has raised concerns regarding the use of this area of the garden by the applicant for congregating, etc. to the detriment to their amenity. As noted above, it is not considered that the increase in the height of this area of ground would significantly impact on the neighbouring property and, in addition, the proposed gazebo, with the 3 of its upper wall sections infilled, would lessen any potential issues of intervisibility and loss of privacy between both properties.

It is considered that the proposed development satisfies the relevant criteria of the Development Control Statement of the Local Plan and conditional planning permission should be granted.

### **4. Full Recommendation**

See Appendix 1.



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

Cunninghame House, Irvine  
1 August 2013

For further information please contact Gordon Craig, Planning Officer , on 01294 324380

GC/SLP



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00342/PP**

Grant subject to the following condition:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed external finishes of the roof and infilled wall panels for the gazebo.

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

1. In the interest of the amenity of the area.

Reason(s) for approval:

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



# Committee Plans

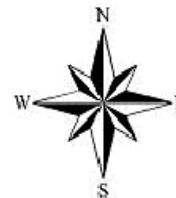
13/00342/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.4**

Planning Committee

**14 August 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00379/PP**

Application

**3 July 2013**

Registered

Decision Due

**3 September 2013**

Ward

**North Coast and Cumbraes**

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<b>Recommendation</b>	<b>Grant as per Appendix 1</b>
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**Location**The Bean And Leaf  
The Promenade  
Largs**Applicant**Miss Toni Dawson  
The Bean And Leaf  
The Promenade  
Largs**Proposal**Alterations to front elevation of building

---

**1. Description**

This application relates to the Bean & Leaf cafeteria, The Promenade, Largs, which is bounded to the south by the Escape Amusement Complex, to the north by the promenade car park, and to the west by public toilets. The proposed alterations would be to the front elevation, facing Gallowgate Street. The proposal is part of the Largs Shop Front Improvement Scheme and the building is owned by the Council.

The application would vary the fenestration detail of the planning permission granted by Committee in March 2013 (13/00042/PP) by replacing two sets of glazed bi-folding doors with glazed sliding doors and side screens. A glazed canopy is also proposed to be erected at the entrance door. It is also proposed to replace a multi-framed glazed screen to the left of the entrance door with a timber screen incorporating a centrally located LED lit menu board.

The proposal is intended to both improve the functionality of the business and enhance the appearance of the premises.

The application site is located within the Town Centre area of Largs as identified in the North Ayrshire Local Plan (excluding Isle of Arran) where Policy TC1 applies. This policy identifies a variety of uses that are considered to be acceptable within town centres. The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan.

Planning Permission was granted by Committee in March 2013 for the formation of a new entrance canopy and terrace, the alteration of an existing ramped access and the replacement of existing glazed screens with folding doors (ref. 13/00042/PP). Advertisement consent was granted on 5 August 2013 for the Installation of a recessed menu board, illuminated by inset LED lights (ref. 13/00380/ADC).

## **2. Consultations and Representations**

The statutory neighbour notification procedure has been carried out and the application was advertised in the local press for neighbour notification purposes. A single representation was received on behalf of Largs Community Council who offered no comments or objections. No consultations were undertaken.

## **3. Analysis**

The site is located within the Town Centre area of Largs, as identified within the adopted Local Plan and the application relates to an existing acceptable use in terms of Policy TC1. In relation to the Development Control Statement, the relevant criterion in this case is (a) siting, design and external appearance.



The proposals are of similar scale and appearance to the design elements and finishing materials of the existing property. The proposed glazed entrance canopy would have a glass front and roof and open at the sides, measuring 2.3m high to the top of the shallow mono-pitch roof. The glazed sliding doors and side screens would occupy the same area as the previously approved folding doors, measuring some 3.7m wide and 2.2m high. The proposed timber screen adjacent to the entrance door would be 2m wide & 2.2m high with decorative grooves and mouldings. This screen would also have a centrally located LED lit menu board, measuring 1m by 1.2m.

In view of the above it is considered that the proposal complies with the relevant provisions of the Local Plan, and satisfies the relevant criteria of the Development Control Statement and it is recommended that planning permission be granted.

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

See Appendix 1.



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

Cunninghame House, Irvine  
1 August 2013

For further information please contact Gordon Craig , on 012940324380



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00379/PP**

Grant (No conditions).

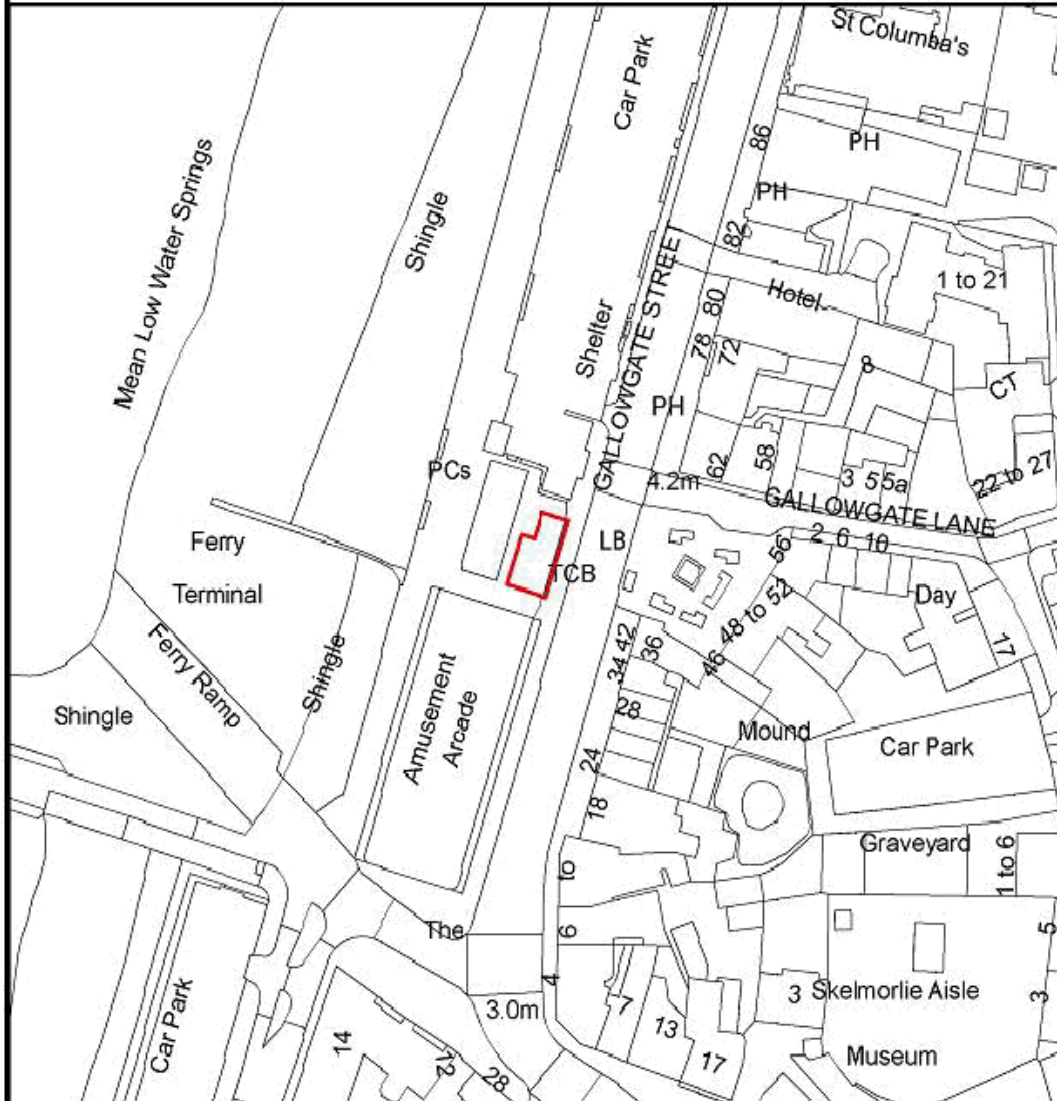
Reason(s) for approval:

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



# Committee Plans

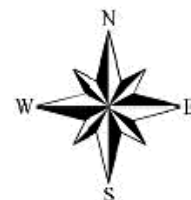
13/00379/PP



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 7**

**14 August 2013**

#### **Planning Committee**

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**Subject:** **Scheme of Delegation**

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**Purpose:** To seek the approval of an amendment to the Council's Scheme of Delegation.

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**Recommendation:** That the Committee agree to recommend to the Council that they (a) adopt the amendment to the Scheme of Delegation prepared under the terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 for determining local developments and subject to approval from Scottish Ministers; and (b) submit the amended Scheme of Delegation to the Scottish Ministers for approval.

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#### **1. Introduction**

- 1.1 In May 2009 the Council approved the current Scheme of Delegation (SoD) for Local Developments as required by Section 43A of the Town and Country Planning (Scotland) Act 1997. The purpose of this report is to seek approval of an amendment to the Scheme.
- 1.2 The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, which came into force on 6 April 2009, introduced three categories of planning applications – national, major and local. Section 43A of the Town and Country Planning (Scotland) Act 1997 requires planning authorities to prepare separate schemes of delegation for determining planning applications relating to local developments. This gives powers to “appointed officers” to determine such applications for planning permission subject to the terms of the scheme of delegation. National and major developments are processed in line with the procedures set out in Regulations and detailed in reports to the Council's Planning Committee.

## **2. Current Position**

- 2.1 Under the terms of Section 43A of the Town and Country Planning (Scotland) Act 1997, as introduced by Section 17 of the Town and Country Planning (Scotland) Act 2006, Local Authorities are required to prepare a SoD for dealing with local developments. Under this scheme designated officers determine applications for planning permission for a development within the category of local development or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.
- 2.2 Refusals made under this scheme have the right of review to the Local Review Body only. Where applications do not fall within the scheme, referral to the Planning Committee is required with the appeal against refusal to the Scottish Ministers.
- 2.3 The Scottish Government, in monitoring the efficiency of the planning application process, has responded to concerns that applications in which local authorities have an interest are being unnecessarily delayed as a consequence of a statutory obligation to have such applications determined by a Committee of the Council. As a consequence, the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013, which replace the 2008 Regulations, remove this obligation allowing determination under an approved SoD.
- 2.4 The Council's Scheme of Administration para 4(e)(iv) states:- "There is excluded from delegation to any Committee..... The preparation, review and amendment of the Scheme of Delegation detailing those functions delegated by the Council to its officer". The remit of the Planning Committee does not make any exception to this provision. Therefore only the Council can approve the Planning SoD.

## **3. Proposals**

- 3.1 The existing Scheme of Delegation reflects previous Government guidance and regulations and, as required, was approved by the Scottish Ministers. Although Schemes of Delegation are to be prepared at intervals of no greater than 5 years and the current scheme has been operational for just over 4 years, it is appropriate to exercise the opportunity provided by the new regulation, which will facilitate the delegation of local planning applications submitted by North Ayrshire Council or by any member of the Council, and any local planning application relating to land in the ownership of North Ayrshire Council or in which North Ayrshire Council has a financial interest.



- 3.2 Under the proposed Scheme of Delegation applications for national and major developments will continue to require to be referred to the Planning Committee.
- 3.3 It is proposed that the Committee agree to recommend to the Council that they (a) adopt the amendment to the Scheme of Delegation prepared under the terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 for determining local developments and subject to approval from Scottish Ministers; and (b) submit the amended Scheme of Delegation to the Scottish Ministers for approval.

#### **4. Implications**

Financial Implications

- 4.1 N/A

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 N/A

Equality Implications

- 4.4 N/A

Environmental Implications

- 4.5 N/A

Implications for Key Priorities

- 4.6 The proposed amendment would contribute to Single Outcome Agreement 15a - 'Public services are more efficient and effective'.

#### **5. Consultations**

- 5.1 Consultation has been carried out with the Head of Democratic and Administration Services.

## **6. Conclusion**

- 6.1 Applications in which local authorities have an interest are being unnecessarily delayed as a consequence of an existing statutory obligation. The amendment to the scheme of delegation is welcomed and would enable the processing of applications with a Council interest more efficiently. If agreed, the amendment can be referred to the next meeting of North Ayrshire Council, as required by the Council's Scheme of Administration, with a recommendation for approval.



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

### **Reference :**

For further information please contact James Miller, Senior Manager,  
Planning, Transportation and Regeneration on 324315

### **Background Papers**

Town and Country Planning (Hierarchy of Developments)(Scotland)  
Regulations 2009,  
Town and Country Planning (Scheme of Delegation and Local Review  
Bodies) (Scotland) Regulations 2008 and 2013,  
Town and Country Planning (Development Management  
Procedure)(Scotland) Regulations 2008 and 2013,  
Town and Country Planning (Scotland) Act 1997, and  
Planning etc. (Scotland) Act 2006

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 8**

**14 August 2013**

#### **Planning Committee**

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**Subject:** **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Stevenston: 22 Burnlea Place**

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**Purpose:** To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

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**Recommendation:** That the Committee approves the serving of a Notice under 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the local area as detailed in the report.

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#### **1. Introduction**

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the building and land at 22 Burnlea Place, Stevenston. A Wasteland Notice allows the Council, as Planning Authority, to serve on the owner, lessee and occupier of land which is adversely affecting the amenity of any part of their area, a Notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 A Wasteland Notice was previously issued in respect of this land on the 22 November 2012. That Notice required the removal of all rubbish and refuse from the front, side and rear gardens of the property including the burnt remains of a wooden structure in the rear garden and the remains of a collapsed breeze block boundary wall. That Notice also required the boarding over of the windows and doors of the building, to be painted a recessive colour. The Notice took effect on the 24 December 2012 and the owner had until the 24 January 2013 to comply. The owner did not comply with the requirements of that Notice, however the local Housing Office arranged for the clearance of the gardens.

- 1.3 The land was cleared by the 19 March 2013. Unfortunately, the land has continued to attract the dumping of refuse and litter and as such is again in a condition which has an adverse affect on local amenity. The boards over the rear ground floor window and door have been broken. As Wasteland Notices can effectively only be complied with once, authority for the issue of a new Notice is sought.
- 1.4 The property is an end of terrace dwellinghouse located at the western end of Burnlea Place, on its northern side. Burnlea Place is part of the Hayocks residential area of Stevenston. To the west of the property is public open space with public access along the footpaths to other residential streets, including Elms Place and Campbell Avenue. To the north of the property are the rear gardens of properties on Ashgrove Avenue. The area is predominantly residential.
- 1.5 Following the clearance of the gardens in early 2013 further refuse and litter has accumulated on site. Household items such as televisions and mattresses and other large items of domestic waste have been dumped in the garden of the property. The boards over the windows are in a poor state of repair. The boards over the rear ground floor window and door are broken, with holes having been cut in an apparent attempt to gain access to the interior.
- 1.6 The condition of the property, in particular the accumulation of rubbish and refuse and the condition of the boards over the window and door at rear ground floor level, has a significant adverse impact on the amenity of the local area.

## **2. Current Position**

- 2.1 Following complaints regarding the condition of the property the Council corresponded with the owner throughout 2012 to seek the improvement of the condition of the land. However, no improvement was made and the Planning Committee determined to issue a Wasteland Notice requiring the improvement of the appearance of the land at its meeting of 24 October 2012. Subsequently a Wasteland Notice was issued which took affect on the 24 December 2012. The owner failed to comply with the Notice and, as permitted by the Town and Country Planning (Scotland) Act 1997, the Council arranged for the clearance of the land. The land was cleared under the direction of the local Housing Office in the days leading up to the 19 March 2013.

- 2.2 Further complaints were received in 2013 that the condition of the land had deteriorated. An inspection of the property was carried out on the 15 May 2013 which revealed that two televisions had been dumped in the rear garden. A further inspection of the property on the 29 May 2013 revealed that the condition of the land had deteriorated. Other furniture including mattresses and parts of a dismantled bed had been dumped on the land and litter and broken glass had also accumulated on site.
- 2.3 A letter dated 31 May 2013 was sent to the owner of the property. This letter advised that the Council had carried out the removal of refuse in accordance with the requirements of the Wasteland Notice dated 22 November 2012 and that it reserved the right to seek the costs of the work from them as the owner. The letter also advised that the condition of the property was again having an adverse impact on the amenity of the area. The letter requested that, as owner, they take steps to remove all rubbish and refuse from within the gardens and advised them to regularly monitor to ensure no further accumulation of rubbish on site. The owner was also advised to regularly maintain and renew the boarding of all windows and doors. The letter asked that the site be cleared within 28 days of the date of the letter. The letter further advised that should the land not be cleared and it continued to have an adverse impact on amenity, authority for the issue of a further notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 would be sought. No response was received.
- 2.4 A site inspection of the property on the 2 July 2013 revealed that the site had not been cleared, further refuse had accumulated on site and the boarding over the rear window and door had been broken.

### **3. Proposals**

- 3.1 The condition of the land and building at 22 Burnlea Place, Stevenston is having a significant adverse impact upon the amenity of the area. In the interests of the amenity of the area it is proposed that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 be served to secure the following:
- (i) remove all rubbish and refuse from the front side and rear gardens of the property; and
  - (ii) renew, as necessary, the boarding over the windows and doors and paint the boards a recessive colour.

#### **4. Implications**

##### Financial Implications

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

##### Human Resource Implications

- 4.2 N/A

##### Legal Implications

- 4.3 The proposed Wasteland Notice is in accordance with the statutory Regulations.

##### Equality Implications

- 4.4 N/A

##### Environmental Implications

- 4.5 N/A

##### Implications for Key Priorities

- 4.6 The proposed Wasteland Notice supports the Single Outcome Agreement. Local Outcome 12A "The environment is protected and enhanced."

##### Community Benefit Implications

- 4.7 The amenity of the local area will be improved.

#### **5. Consultations**

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

## **6. Conclusion**

- 6.1 It is considered that the owner of the property has been given significant notice and opportunity to take steps to abate the significant adverse impact which the condition of the property has upon local amenity with no action being taken by them to deal with the situation. The service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 would appear the only option open to the Council to ensure the adverse impact on local amenity is abated.



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

Reference : ID/JW

For further information please contact Iain Davies, Planning Inspector on  
01294 324320

**Background Papers**  
None





**22 Bumlea Place, Stevenston**



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 9**

**14 August 2013**

#### **Planning Committee**

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**Subject:** **Notice Under Section 168 of The Town & Country Planning (Scotland) Act 1997: Kilwinning: Montgreenan: Land to north east of East Lodge North**

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**Purpose:** To seek approval to serve a notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of a Tree Preservation Order.

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**Recommendation:** That the Committee approves the serving of a Notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 to address the adverse impact of the unauthorised works on the local area as detailed in the report.

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#### **1. Introduction**

- 1.1 This report recommends the service of a notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 ("Tree Replacement Notice") in relation to land to the north east of East Lodge North, Montgreenan, Kilwinning. A Tree Replacement Notice allows the Council as Planning Authority to serve on the owner of land, on which unauthorised tree works have occurred, a Notice requiring the planting of trees of such size and species as may be specified.
- 1.2 The land comprises a site to the north east of the property known as East Lodge North, Montgreenan, Kilwinning. The site is bounded to the east by Craven Mill Road and the south by the boundary with East Lodge North. The northern end of the site is bounded by a burn which forms the border between North Ayrshire and East Ayrshire. The site forms part of the woodland of the former Montgreenan Estate and is covered by the Kilwinning Number 1 Tree Preservation Order ("TPO").

- 1.3 The TPO, issued by the Council, took effect on 1 December 2000. It covers an area of approximately 37.2 hectares comprising a mixed deciduous and coniferous mature woodland containing a wide variety of species including oak, beech and sycamore trees. The TPO prohibits, except with the consent of the Council as Planning Authority, the cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying or causing or permitting the cutting down, topping, lopping, uprooting or wilful damage or wilful destruction of any tree within the covered area. In order for any tree works to be carried out in the area covered by the TPO, an application is required to be submitted in writing to the Council and no works must take place unless and until the application is approved.
- 1.4 Unauthorised works comprising the removal of trees from the area have occurred in an area approximately 30 metres across, from the Craven Mill Road west into the woodland. A hedgerow of trees, approximately 75 metres in length, along the boundary of the Craven Mill Road has been removed. Trees within the woods have also been removed. No application for consent was made and the works are unauthorised. The works are held to have harmed the amenity of the area and as such it is recommended that a notice be issued requiring replanting of trees.

## **2. Current Position**

- 2.1 Complaints were received on the 22 February 2013 that works were being undertaken to trees. A letter of that date was sent to the owner of the land stating that the land is subject of a TPO, which prohibits works to be carried out to trees without prior consent of the Council. The letter stated that there was no record of consent having been granted for works to the trees. Non-compliance with the requirements of a TPO is an offence and any person who cuts down tops, lops, uproots, wilfully damages or wilfully destroys or causes or permits the cutting down, topping, lopping uprooting or wilful damage or wilful destruction of any tree is guilty of an offence. The letter advised that they should cease any ongoing works to trees immediately and carry out no more works, unless and until consent has been granted by the Council. The letter asked that they confirm by return that all works have ceased. The letter further stated that it was understood that drainage works on the land were being carried out however this did not permit any works to the trees. The letter asked that if they had any representations to make as to why the works were carried out that they do so in a written response to the letter. The letter stated that anything they say may be used in subsequent enforcement action.

- 2.2 On 25 February 2013 a phone call was received from the owner. They stated that this part of the woods had been damaged by storms and slurry from adjacent fields, some trees were dangerous and these had been removed. Other trees had been removed because they were already dead. They confirmed that they had instructed the workers to stop immediately. The owner was advised that dangerous trees could potentially be removed without consent but they should always contact the Council first. The owner was advised that the Council could require replanting of the site. A meeting, at the site, with the owner was arranged for Tuesday 26 February 2013. During the site meeting, the owner again explained that they had cut down trees because they felt they had become dangerous due to storm damage and the boggy condition of the land. The owner was again advised that carrying out works in contravention of a TPO was an offence and that they could potentially be prosecuted. The Council could also require replanting of trees. The owner said that they would be happy to replant and would take advice on this. The owner was advised they should carry out no further works to the area under protection.
- 2.3 A letter dated 1 March 2013 was received from the owner of the land. This letter stated that they had understood that prior consent was not required for works to a tree if it were a danger to the public, so long as notice was given to the Planning Authority as soon as possible after the works. They confirmed that initial works were carried out in the part of the woods situated within East Ayrshire, which is not covered by the TPO. Works in the TPO were carried out on Saturday 23 February and it had been their intention to inform North Ayrshire Council of the works on Monday 25 February. They stated that the area of their land along Craven Mill Road was in severe state of danger to all road users. Not only were branches low lying and affecting safe passage but the ground hosting the trees is in a weak condition and unable to support heavy trees, rendering an immediate risk from trees uprooting. The letter also stated they would be happy to replant the land to the Council's stipulated specification.

- 2.4 Following a further inspection of the site with the Council's Arboricultural Officer a letter was sent to the owner dated 14 March 2013. This letter stated that works to a tree subject of a TPO is an offence unless it is necessary in the interest of safety. However in these circumstances notice of the proposed operations must be given in writing to the Planning Authority as soon as the necessity for the operation arises. When it becomes apparent that urgent action is necessary, those responsible must put this request for action in writing to the Council. The timescales in their letter were noted and it was also noted that works began in the northern section of the wood situated in East Ayrshire. The letter also stated that following an inspection by the Council's Arboricultural Officer, it was considered that there is evidence that some of the trees which had been cut down were suffering from windthrow, where their roots had become partially loose. However other trees which had been cut down did not exhibit any loose roots and several of the trees were located several metres away from the road, which did not amount to an urgent necessity to carry out this scale of work. The letter asked for clarification as to why the entire hedgerow of trees, for a distance of approximately 75 metres, along the boundary of the road were removed and the reasons for the removal of the trees from within the woods set back from the road. It was asked that the reasons be submitted in writing within 21 days of the date of the letter. The letter also stated that, notwithstanding the reasons for the unauthorised works, the Council required the replanting of trees to replace those removed. The replanting of a hedgerow of trees and specimens within the woods was required. It was asked that they confirm that they would replant trees to the specification. As the planting season was close to an end, the Council may issue a notice requiring the planting within the next planting season. The owner was also advised that any future works to trees covered by the TPO would require consent from the Council and any applications for consent must be made in accordance with the requirements of the TPO. They were further advised that they may wish to have a survey of the woods undertaken which would give them information on which trees may require works and the timescales in which the works require to be carried out.

- 2.5 A letter dated 23 March 2013 was received from the owner of the land, which provided more information on why they believed urgent works to the trees were required and confirmed that they would replant trees to the Council's specification. They also stated they would apply for consent in accordance with the requirements of the TPO for any future works to the trees. A letter of response was sent to the owner dated 4 April 2013, which welcomed confirmation of the proposed replanting, and advised that as the planting season is coming to an end that the Council intends to seek authority for the issue of a notice under Section 168 of the Town & Country Planning (Scotland) Act 1997. The notice would set out the Council's requirements and require the works to take place within the next planting season of October 2013 to April 2014.
- 2.6 Following further correspondence with the owner, an application for the removal of five further trees within the area was made (ref: 13/00260/TPO). The application permitted the removal of four of the trees and refused the removal of the other tree. The decision was issued on 3 June 2013. A letter was sent with the decision reiterating that the Council would be seeking authority to issue a notice under Section 168 requiring replacement planting within the next planting season.

### **3. Proposals**

- 3.1 In the interest of the amenity of the area it is proposed that a notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 be served to secure the following:
- (i) The planting of tree whips, approximately 1 metre in height with a central stem and little or no side branching, along the border of the woodland and Caven Mill Road. Four to five whips to be planted per linear metre for a distance of approximately 75 metres, where the previous hedgerow trees have been removed. The whips are to be a mixture of hawthorn, blackthorn and field maple tree whips;
  - (ii) Within the woodland set back from the road, where trees have been cleared, the planting of 30 oak whips; and
  - (iii) Any trees which, within a period of five years, following compliance with clauses (i) and (ii) of the Notice, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

#### **4. Implications**

##### Financial Implications

- 4.1 Should any requirement of the notice not be complied with following the expiry of the compliance period the Council as Planning Authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the notice. The Council may then seek to recover from the person who is the then owner or lessee any expenses reasonably incurred during the carrying out of those works.

##### Human Resource Implications

- 4.2 N/A

##### Legal Implications

- 4.3 The proposed Tree Replacement Notice is in accordance with the statutory regulations.

##### Equality Implications

- 4.4 N/A

##### Environmental Implications

- 4.5 N/A

##### Implications for Key Priorities

- 4.6 The proposed Tree Replacement Notice supports the Single Outcome Agreement. Local outcome 12a "The environment is protected and enhanced."

##### Community Benefit Implications

- 4.7 The amenity of the local area will be improved.

#### **5. Consultations**

- 5.1 Finance & Infrastructure Services has been advised of the report in terms of budgetary provision.



## **6. Conclusion**

- 6.1 Trees have been removed from an area covered by a Tree Preservation Order without the necessary consent. The works have harmed local amenity and the owner of the land is required to comply with their duty to provide replacement trees. In order to ensure that the trees are planted within the next planting season and therefore abating the harm to the local amenity the service of a notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 would appear the only option open to the Council.



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

Reference : ID/HW

For further information please contact Iain Davies, Planning Officer on 01294 324320

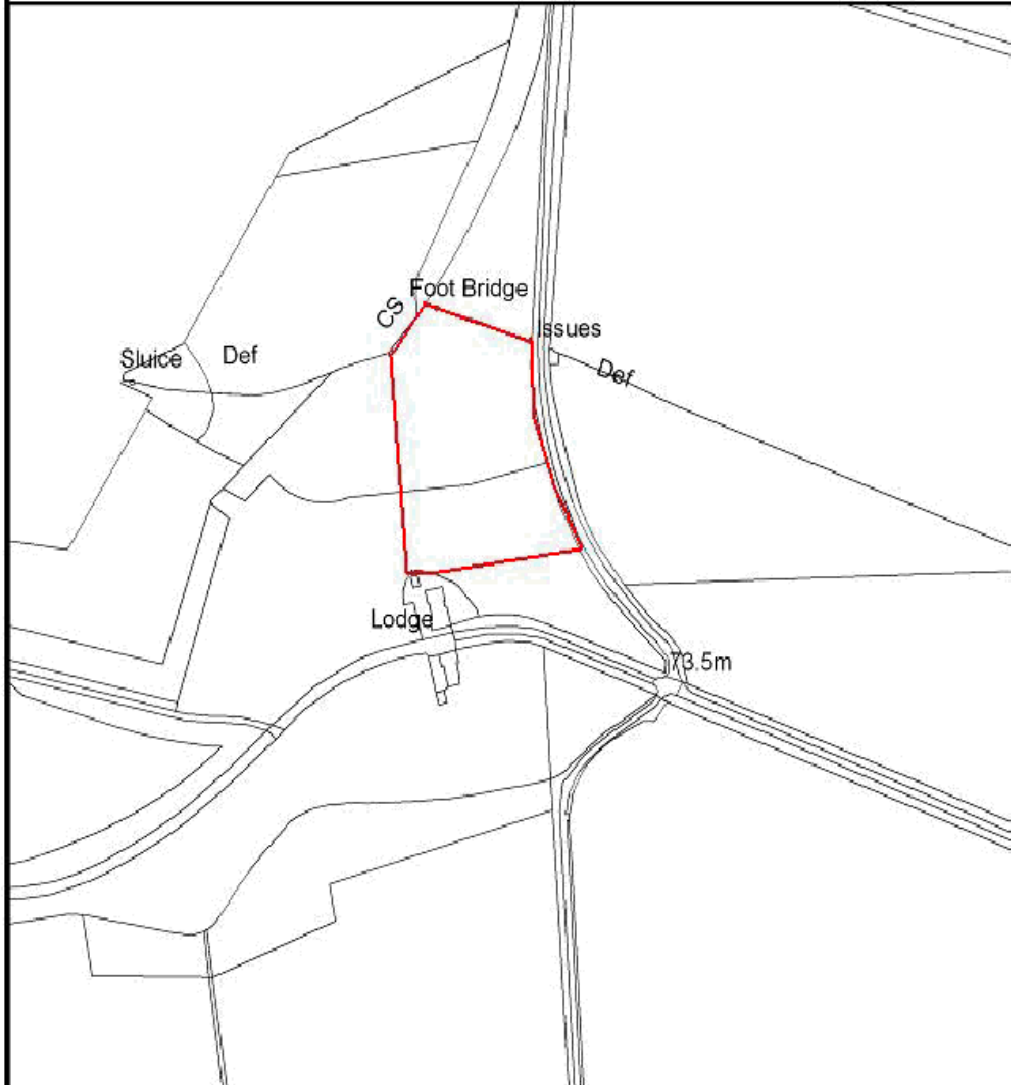
### **Background Papers**

None



# Committee Plans

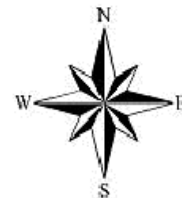
Site To North East Of East Lodge, Montgreenan, Kilwinning



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 10**

**14 August 2013**

#### **Planning Committee**

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**Subject:** **Notice Under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Saltcoats: 13 Winton Street**

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**Purpose:** To seek approval to serve a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring the removal of an unauthorised advertisement.

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**Recommendation:** That the Committee approves the serving of a Notice under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to abate the adverse impact the advertisement has on local amenity as detailed in the report.

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#### **1. Introduction**

- 1.1 This report recommends the service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 ("Advertisement Enforcement Notice") in relation to land at 13 Winton Street, Saltcoats. An Advertisement Enforcement Notice allows the Council, as Planning Authority, to serve on the owner, lessee and occupier of land and any other person known to the Planning Authority to be displaying the unauthorised advertisement, a notice requiring the removal of an unauthorised advertisement.
- 1.2 13 Winton Street is a public house, currently vacant and last known as The Hip Flask. The building is situated on Winton Street with a storage area and beer garden to the east. The storage area and beer garden front both Winton Street and Park Road, which forms the eastern boundary of the property. The property is located in a predominantly residential area to the west of Saltcoats town centre.

- 1.3 The advertisement, the subject of this report, is being displayed on the eastern boundary wall of the beer garden. The advertisement is on Park Road and is visible in views from the west. The advert is a board approximately 1.5 metres in height by 3 metres in length, advertising Park Road Garage which is based at No. 2 Park Road. The advertisement is unauthorised as it does not benefit from advertising consent. It does not benefit from deemed consent under the Advertisement Regulations. Although it is an advert relating to a business it is displayed in advance of that business and not on the property of the business itself. No application for express consent from the Council has been made or granted.
- 1.4 The advert due to its size, location and prominence has an adverse impact on local amenity. Furthermore the Council's Control of Advertisements Policy states that advanced advertisements will only be acceptable in rural areas subject to several criteria. The display of this advert in a prominent location, on the entrance to a predominantly residential area, harms local amenity and therefore it is recommended that the removal of the advertisement is pursued.

## **2. Current Position**

- 2.1 Complaints were received in April 2013 that a sign had been erected on the boundary wall of 13 Winton Street. An inspection of the property was undertaken on 18 April 2013 confirmed that the advertisement, the subject of this report, had been installed. Letters dated the 25 April 2013 were sent to both the owner of the land and the person responsible for the advertisement. The letters stated that the advertisement was unauthorised as it was being displayed without the express consent of the Council and that consent was unlikely to be granted for its display having regard to the adverse affect of the advert on local amenity and the Council's Planning Policies with respect to advance advertisements. The letter requested that the advertisement be removed within 14 days of the date of the letter. The letter also stated that should the advertisement remain in situ formal enforcement action would be considered, which could include the issue of an enforcement notice requiring the removal of the advertisement.
- 2.2 The person responsible for the advertisement visited the Council offices on the 21 May 2013. He stated that the advertisement would be removed within the week. The owner was requested to contact the Council when they had carried out the removal. No response was received.

- 2.3 An inspection of the property on the 29 May 2013 revealed that the advertisement was still in situ. A letter dated 31 May 2013 was then sent to the land owner and the person responsible for displaying the advert. This stated that the advertisement remained in situ despite assurances that it would be removed. The letter therefore advised that it was the Council's intention to seek authority for the issue of an enforcement notice requiring the removal of the advertisement. Such a notice is served on the owner, lessee and occupier of the land on which the advertisement is being displayed as well as any other person known to be displaying advertising. Should such a notice be issued and not be complied with the Council can remove the advertisement itself and seek its costs from the land owner. Should the land owner remove the advertisement they can seek their costs from the person who displayed it. The letter asked that should they wish to make any representations they be submitted to the Council in writing within 14 days of the date of this letter. No response was received.

### **3. Proposals**

- 3.1 The display of this advertisement is having an adverse impact upon the amenity of the area. In the interest of the amenity of the area it is proposed that a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 be served to secure the following:
- (i) Remove the advertisement from the boundary wall.

### **4. Implications**

#### Financial Implications

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

#### Human Resource Implications

- 4.2 N/A

#### Legal Implications

- 4.3 The proposed Advertisement Enforcement Notice is in accordance with the Statutory Regulations

#### Equality Implications

- 4.4 N/A

#### Environmental Implications

- 4.5 N/A

#### Implications for Key Priorities

- 4.6 The proposed Advertisement Enforcement Notice supports the Single Outcome Agreement Local Outcome 12A, "The environment is protected and enhanced."

#### Community Benefit Implications

- 4.7 The amenity of the local area will be improved.

### **5. Consultations**

- 5.1 Finance and Infrastructure Services have been advised of the Report in terms of budgetary provision.



## **6. Conclusion**

- 6.1 It is considered that the owner of the property and the person responsible for the display of the advertisement have been given significant notice and opportunity to remove the unauthorised advertisement, to abate the adverse impact it has upon local amenity. The service of a Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 would appear the only option open to the Council to ensure the adverse impact on local amenity is abated.



CRAIG HATTON  
Corporate Director (Development and Environment)

Reference : ID/JW

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

### **Background Papers**

None



# Committee Plans

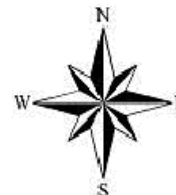
13 Winton Street, Saltcoats



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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 11**

**14 August 2013**

#### **Planning Committee**

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**Subject:** **North Ayrshire Supplementary Landscape Wind Capacity Study**

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**Purpose:** To advise the Committee of the preparation of “North Ayrshire Supplementary Landscape Wind Capacity Study” as an addendum in support of the existing Supplementary Guidance prepared in 2009 entitled “Landscape Capacity Study for Wind Farm Development in North Ayrshire”.

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**Recommendation:** That the Committee agrees to approve (i) the “North Ayrshire Supplementary Landscape Capacity Study” for publication as a 'non-statutory' addendum to the existing Supplementary Guidance on landscape capacity prepared in 2009; and (ii) the publication of the addendum for consultation to allow it to become 'statutory' on adoption of the new Local Development Plan.

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#### **1. Introduction**

- 1.1 Scottish Natural Heritage commissioned Carol Anderson Landscape Associates, in conjunction with the three Ayrshire Councils and the Ayrshire Joint Planning Unit, in June 2012 to carry out a landscape capacity study for wind turbine development in Ayrshire. The Ayrshire wide study was seen as being necessary to provide additional landscape guidance to augment the spatial framework guidance prepared for the Ayrshire Joint Structure Plan (2007) and adopted by the 3 Councils in 2009 for use in the assessment of wind farm applications and the formulation of relevant policies in their new Local Development Plans.

- 1.2 A detailed landscape capacity study for wind farm development in North Ayrshire was previously commissioned by the Council in 2008/09. The present study seeks to reinforce this existing study by considering primarily small scale wind energy development as part of a more comprehensive landscape capacity study for the other two Ayrshire Council areas. The 2009 North Ayrshire study principally considered larger wind farm developments. However, since the issue of the 2009 study, interest in single and smaller turbines has greatly increased largely as a result of the 'Feed in Tariff' with the majority of proposals lying within the lowlands and upland fringes of mainland North Ayrshire.
- 1.3 The aims of the new study are to provide guidance on the sensitivity of the landscape to different types of wind turbine development, focusing on single and small groups of turbines but also including consideration of extensions to existing wind farms or separate wind farm developments in some areas. This supplementary study principally considers landscape character types where the 2009 study found there to be some potential to accommodate wind turbines and also addresses more settled lowland areas where there is more likely to be potential interest in this form of development from landowners. Some 17 different landscape character types are considered in the new study. Detailed landscape and visual sensitivity assessments have been produced for each landscape character type with the assessment considering capacity for a range of different turbine heights.

## **2. Current Position**

- 2.1 There are a number of operational wind farm developments already located in the uplands of mainland North Ayrshire. Some of these developments have been constructed since the issue of the 2009 Landscape Capacity Study (e.g. Millour Hill and Kelburn) and the present study reviews potential cumulative landscape and visual effects in detail.
- 2.2 North Ayrshire has also received an increase in the number of single and small groups of turbine proposals since the 2009 study with some 23 turbines now erected, approval granted for a further 33 turbines, and an additional 39 turbines at environmental screening/scoping stage. This level of interest in the single and small groups of turbine development requires to be considered in the context of those larger wind farm developments presently located within the mainland uplands (41 turbines at Ardrossan, Wardlaw Wood and Millour Hill near Dalry and Kelburn at Largs).

- 2.3 There is potential for cumulative landscape and visual effects to arise between existing, consented and proposed wind turbine developments and the present landscape study aims to provide additional guidance to support the previous 2009 study which was also carried out by Carol Anderson Landscape Associates thus helping to ensure consistency between both pieces of work.
- 2.4 The review study provides supplementary information to the 2009 Landscape Capacity Study in the form of more detailed landscape and visual sensitivity assessment for wind turbine developments within selected landscape character types. It also sets out clear spatial principles as to what height of turbine would be appropriate, in landscape and visual terms, within the different landscape character types considered in the study. The design and siting guidance provided should promote good practice in locating and siting individual and small groups of turbines below 50m in height.
- 2.5 The study presents a number of strategic recommendations, such as:
- Maintain the rugged scenery and sense of wildness associated with the core of the Clyde Muirshiel Regional Park, as well as protecting the prominent well-defined hills lying on the periphery of the Clyde Muirshiel uplands;
  - Protect the relatively undeveloped coastal edge of mainland North Ayrshire from development;
  - Conserve the contrast which exists between the landscape character of the Cumbrae Islands and the more developed mainland;
  - Conserve the wildness and landscape setting of the highly sensitive mountains of North Arran, and avoid visual intrusion on Arran's settled coastal fringe; and
  - Conserve the separation between operational wind farms and their design integrity.

### **3. Proposals**

- 3.1 Copies of the document are available for inspection in the Members' Lounge.

- 3.2 Members are invited to approve the “North Ayrshire Supplementary Landscape Capacity Study” as non-statutory Supplementary Guidance to the Local Development Plan as an addendum to existing Supplementary Guidance prepared in 2009. The document will be published for consultation to allow it to become statutory guidance on adoption of the new Local Development Plan. Any revisions to the guidance proposed as a result of public consultation will be brought back to the Committee for approval. The new guidance will assist decision making on planning applications for single or small groups of wind turbines.

#### **4. Implications**

##### Financial Implications

- 4.1 None

##### Human Resource Implications

- 4.2 None

##### Legal Implication

- 4.3 None

##### Equality Implications

- 4.4 None

##### Environmental Implications

- 4.5 The study considers landscape and visual issues and provides indicative guidance where small scale wind energy can be accommodated without significant adverse impacts on the landscape.

##### Implications for Key Priorities

- 4.6 The document will contribute to the implementation of the Council’s Single Outcome Agreement and, in particular, will assist in achieving SOA Outcome 12a “Our environment is protected and enhanced”.

#### **5. Consultations**

- 5.1 Public consultation was undertaken as part of the Local Development Plan consultation process for the 2009 Landscape Capacity Study. It is proposed that the North Ayrshire Supplementary Landscape Wind Capacity Study should form part of this further consultation process to allow both the 2009 and the addendum 2013 guidance to be adopted 'statutory' Supplementary Guidance to the Local Development Plan.



## **6. Conclusion**

- 6.1 A review of the Landscape Capacity Study for Wind Farm Development in North Ayrshire (2009) has been carried out primarily to address the need for further guidance for single and small groups of wind turbine developments in North Ayrshire. There has been a marked increase in the number of planning applications for this type of turbine development largely as a result of the Feed in Tariff with the majority of proposals lying within the lowlands and upland fringes of mainland North Ayrshire. This supplementary study also reviews potential cumulative landscape and visual effects associated with those wind farms constructed since the issue of the 2009 study. The study addresses some 17 landscape character types and identifies clear spatial principles as to what height of turbine would be appropriate, in landscape and visual terms, within different landscape character types. This additional guidance will become the non-statutory (statutory following public consultation) Supplementary Guidance to the LDP and will therefore be a material consideration in determining planning applications. This will take the form of an addendum to the existing Supplementary Guidance prepared in 2009 for "Landscape Capacity Study for Wind Farm Development in North Ayrshire".



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Reference : RRH/JW

For further information please contact Richard Henry, Planning Officer on 01294 324777

### **Background Papers**

1. North Ayrshire Supplementary Landscape Wind Capacity Study June 2013 – Carol Anderson Landscape Associates
2. Landscape Capacity Study for Wind Farm Development in North Ayrshire (Phase 1 & Phase 2) October 2009 – Carol Anderson & Alison Grant (Landscape Architects)

