

Cunninghame House,
Irvine.

26 May 2016

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 1 JUNE 2016** 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 (Page 5)

The accuracy of the Minutes of meeting of the Committee held on 27 April 2016 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. Irvine and Kilwinning

Submit report on the following application:

16/00070/PPM: Site 21, Crompton Way, North Newmoor Industrial Estate, Irvine (Page 15)

Erection of 144 no. semi-detached and terraced houses with associated landscaping and infrastructure (copy enclosed).

4. Irvine and Kilwinning

Submit report on the following application:

16/00243/PP: 23 Fullarton Street, Irvine (Page 33)

Change of use from Class 1 (retail) to Class 3 (food and drink) incorporating hot food takeaway and installation of ventilation extraction system (copy enclosed).

5. North Coast and Cumbraes

Submit report on the following application:

16/00321/PP: 25 Caldwell Road, West Kilbride (Page 41)

Erection of infill conservatory to rear of upper floor of detached dwelling house (copy enclosed).

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 17 Howden Avenue, Kilwinning KA13 7AQ (Page 49)

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP) (copy enclosed).

7. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: Windyhill, Benslie, Kilwinning KA13 7QY (Page 55)

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 14/00421/PP) (copy enclosed).

8. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: West Mayish Cottage, Brodick, Isle of Arran KA27 8BX (Page 61)

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 07/00787/PP) (copy enclosed).

9. Stopping Up Order: B714 (Girthill Farm, Saltcoats - Tower Farm, Dalry) (Page 67)

Submit report by the Executive Director (Economy & Communities) on an order stopping up an existing section of the B714 which would be bypassed by a road improvement scheme (copy enclosed).

10. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
27 April 2016

Irvine, 27 April 2016 - 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, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 23 March 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

15/00778/PPM: Site to east of West Bankside Farm, Kilbirnie

Muir Homes Limited, Muir House, Belleknowes Industrial Estate has applied for planning permission for the erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces at the site to the east of West Bankside Farm, Kilbirnie. Seventeen letters of representation were received, as detailed in the report. An objection had also been received from Councillor Dickson in respect of road and traffic issues which had already been considered within the report.

The application was continued from the previous meeting to allow for further discussion with the developer in relation to (i) road and traffic issues at Largs Road, Kilbirnie; and (ii) the proposed suitability of the housetypes along the Largs Road frontage within the proposed development. On 31 March 2016, the applicants together with their agent met with Officers to discuss these issues, and thereafter submitted:-

- Detailed drawings indicating further road calming measures along Largs Road. A planning condition has been added to ensure that the proposed traffic calming measures, as shown on the submitted drawing, accord with the RCC submission.
- Revised plans substituting the proposed semi-detached and terraced properties along the site frontage at Largs Road with bungalows. The proposed bungalows would be accessed from driveways off Largs Road; and
- A landscape plan detailing the structure planting along the western site boundary.

The Committee agreed (a) to grant the application subject to (i) that the permission clearly details the agreed replacement of 2 or 3 storey houses with 10 bungalows on Largs Road, Kilbirnie; and (ii) the conditions detailed below.

1. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
2. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space, landscaping and SuDs pond within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 1 above.

4. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SuDS, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
5. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.
6. That no development shall take place within the development 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the 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 in agreement with the West of Scotland Archaeology Service.
7. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:
 - there shall be no treeworks undertaken during the main bird breeding season (March - September);
 - all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.

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.

8. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). For the avoidance of doubt, this shall include calculations to demonstrate a reduction in surface water flow from the development below the green field run-off rate for the written approval of 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.
9. That, during the implementation of the development hereby approved all recommendations contained within the report titled " Proposed Residential Development Largs Road, Kilbirnie Flood Risk Assessment and Drainage Strategy " by Dougall Baillie Associates dated March 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
10. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
11. That the first 2 metres of the driveways, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.
12. That prior to the occupation of the dwellinghouses hereby approved, a minimum parking provision of 2 spaces for two/three bedroom houses and 3 spaces for four/five bedroom houses; shall be provided within the curtilage of the site and thereafter retained to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, a garage will constitute 1 parking space and should be retained as such unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
13. That the paths connecting the site with School Road and Largs Road shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

14. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, sections through the site to demonstrate both details of finished floor levels and ground levels within the development.
15. That any subsequent Road Construction Consent application shall accord with the approved plan titled Site Access Option 1 dated 7 April 2016 (ref. 15027-SK-05), unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

4. North Coast and Cumbraes

16/00124/PP: Site To The North East Of Wee Minnemoer

Comsol Energy Limited has applied for planning permission for the installation of a photovoltaic solar farm with an output of up to 5MW and associated infrastructure at the site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae. Forty-one letters of objection and one letter of support were received, as detailed in the report.

At the meeting on 9 March 2016, the Committee agreed that the application be called in and determined by the Planning Committee and not by Officers under delegated powers. The Committee was advised that a site familiarisation visit had been requested to allow Members to view the site and surrounding area. The visit was held on 25 April 2016.

The Committee was advised of an objection received from Councillor Gallagher in respect of the adverse effects on the landscape and ecology of the island, topology and views on and off the island which had already been considered within the report.

The Committee agreed, subject to the applicant entering into a Section 75 Agreement in respect of (i) a restoration bond; and (ii) an additional condition in relation to the timescale for the construction of the solar farm (Condition 11), to grant the application, subject to the conditions detailed below; and (b) in the event that the applicant does not agree to the Section 75 Agreement that the application is continued to a future meeting of the Committee for consideration.

1. That, prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, details of the proposed design, location and external finishes for the supporting infrastructure, including control room, inverter cabin, customer cabin, access road and tracks, turning areas and parking. The approved external finishes shall be installed and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, details of the security fence and CCTV system shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, the approved fencing shall be implemented prior to the coming into use of the solar farm and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, the rated noise level as defined in BS 4142:2014 of the proposed plant and ancillary equipment shall not exceed the existing background noise level by 5Db(A) or more at the curtilage of nearby noise sensitive premises, to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of the development, full details of the connection to the national grid, including the requirement for any on site or off site infrastructure shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
5. That, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.
6. That, within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use, whichever is the sooner, the solar PV panels, frames and all associated structures and fencing, hereby approved shall be removed from the site. Thereafter the site shall be restored in accordance with a scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority prior to the cessation of the operation of the site.
7. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the applicant shall construct and operate the development in accordance with the provisions of the application, the supporting reports (planning statement, traffic and access statement, landscape and visual assessment, environmental report, ecological appraisal and archaeological report) and submitted plans and shall fully implement the mitigation measures contained within the submission to the satisfaction of North Ayrshire Council as Planning Authority. For clarification, details of the boundary planting along the western and north-western boundaries of the site shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.
8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development including the erection, extension, rearrangement or alteration at the site of fixed plant or machinery, buildings, structures, or private ways.

9. That, a road condition survey in conjunction with a North Ayrshire Council Roads Inspector shall be carried out prior to the work commencing on site and after the work is completed. The development shall be completed in strict accordance with the approved Traffic and Access Statement to the satisfaction of North Ayrshire Council as Planning Authority.
10. That, the proposed passing places to be provided along the U36 Inner Circle Road, shall be constructed as permanent fixtures, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the passing places shall be formed prior to the commencement of the solar farm development.
11. That, no HGV vehicles shall access the solar farm site during the peak tourist season (June, July and August), unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

5. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT

Submitted report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP), in respect of 115 Bank Street, Irvine.

On the 23 March 2016, the Planning Committee determined to continue consideration of a report relating to non-compliance with a planning condition at 115 Bank Street, Irvine KA12 0PT. The property is operated as a vehicle repair garage. Condition 3 of planning permission dated 17 June 2003 (ref: 03/00083/PP) and the non-compliance relates to operating outwith the permitted hours of 8.00am and 6.00pm Monday to Saturday and 10.00am and 6.00pm on Sundays. Consideration of the report was continued in order to allow the operator of the garage the opportunity to apply for planning permission to vary the hours of operation.

The operator has been advised by Planning of the need to comply with the permission and the right to apply to vary the permitted hours. The Council's Business Support Team has also contacted the operator and provided the necessary forms and guidance. However, to date an application has not been received.

In the interests of the amenity of the area, it was proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17 June 2003 (ref: 03/00083/PP): (i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3. It was proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

The Committee agreed, in the interest of protecting the amenity of the area, to (a) grant authority for the service of a Notice Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission 03/00083/PP; and (b) that the Breach of Condition Notice require compliance within the statutory minimum period of 28 days and would be served with immediate effect.

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 40 Ritchie Street, West Kilbride KA23 9HF

Submitted report by the Executive Director (Economy & Communities) seeking authority 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.

The Council has received several complaints regarding the site. An inspection of the land in January 2016, revealed that refuse had been dumped on site. The owner of the land was requested in writing to clear the site and confirm intentions for the site. The owner contacted the Council to confirm that the site would be cleared by the week beginning 7 March 2016. This work was not done and further dumping appears to have been carried out. Environmental Health is investigating as to whether or not the dumping has caused an infestation of vermin. The owner has been advised that the Council is now considering formal enforcement action requiring clearance of the site. To date no response has been received.

It is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

The Committee agreed to approve the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the removal of all refuse from the alleyway to the east of the buildings.

7. New North Ayrshire Shopfront Design Guidance

Submitted report by the Executive Director (Economy & Communities) on the draft North Ayrshire Shopfront Design Guidance, which was appended at Appendix 1 to the report. The purpose of the draft guidance is to highlight principles of good shopfront design and to assist and encourage applicants to sympathetically restore, change or build new shopfronts. The guidance addresses key issues from choosing appropriate finishing materials and signage to appropriate security measures. The draft guidance consolidates the Council's position on shopfront design, replacing three separate guidance documents with one.

The Committee agreed to (a) adopt the North Ayrshire Shopfront Design Guidance as planning guidance; and (b) delegate authority to the Executive Director (Economy and Communities) to make non-significant editorial changes to the guidance from time to time.

8. Revocation Order to Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport

Submitted report by the Executive Director (Economy and Communities) on the proposed revocation of Millport No. 1 Tree Preservation Order (TPO) for trees at Howard Street/Church Hill, Millport.

Following receipt of two tree work applications at 16 and 18 Bute Terrace, the Council's Arboricultural Officer (Place) reported on the poor and deteriorating condition of trees in the locality. Most of the trees, covered by the group TPO, were in poor condition as a direct result of past poor pruning works and as a result exhibit weakly attached regrowth, which is typical of a type of heavy crown reduction. All of the trees are within the Millport Conservation Area and therefore receive a degree of statutory protection. It is considered that the current poor and continuing deterioration of the trees has a negative impact on the local amenity, and therefore the TPO is no longer merited in terms of amenity.

The Committee agreed to authorise the serving of a Revocation Order for the Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport on the owners of the site.

The meeting ended at 3.00 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

Planning Area

**1 June 2016
Irvine/Kilwinning**

Reference

16/00070/PPM

Application

5 February 2016

Registered

Decision Due

5 June 2016

Ward

Irvine East

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

LocationSite 21, Crompton Way, North Newmoor Industrial
Estate, Irvine**Applicant**Dawn Homes Ltd. & Toscafund (Compton Way)
220 West George Street
Glasgow**Proposal**Erection of 144 no. semi-detached and terraced
houses with associated landscaping and
infrastructure.

1. Description

This application seeks planning permission for the erection of 144 dwellinghouses, including associated roads, footpaths and open spaces. The dwellings would be 2 storeys in height and would be a mix of 2 and 3 bedroom semi-detached and terraced properties. There would be three housetypes, each with pitched roof and facing brick details on the front elevation. Finishing materials would be dry dash off-white render to the walls with feature areas of facing brick. Roofs would be finished with grey concrete tiles. The front garden areas would be open with 1.8m high fencing bounding rear garden areas.

The proposed development would be split into 2 phases. Phase 1 would occupy the northern half of the site, between Crompton Way and Manson Road in the north. Phase 2 would occupy the southern half of the site, to the south of Crompton Way. Phase 1 would be arranged around a shared surface loop road which provides two points of access from Crompton Way. An area of amenity open space would be formed in a central location where houses would be orientated to provide informal surveillance.

Phase 2 would be smaller and more formal in its layout with dwellings sited around a central landscaped court which would also act as a SuDs detention basin. There would be one access road into Phase 2 from Crompton Way. Vehicles would require to traverse around the landscaped court and exit on the same way as they enter. It is proposed to erect a 3m high acoustic fence along the eastern boundary of phase 2 and a distribution warehouse operated by Tennents (formerly Wallaces Express).

The application site is generally flat, although there is a steep 30m wide wooded banking at the western boundary of phase 1 which acts as a buffer to the A78 dual carriageway. The site is at a higher level than the A78. There is also steep banking along the northern boundary of phase 1 which acts as a buffer to Manson Road. A factory unit which was previously located within the phase 1 area of the site was recently demolished. There are 2 distribution warehouses within close proximity of the site, one to the east, the other to the south-east.

In terms of the adopted Local Development Plan, Policy RES 2 (Additional Housing Sites) allocates the application site for housing development with an indicative capacity of 300 units. Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development.

Policy RES 4 (Affordable Housing) is also relevant, and requires all proposals for residential development to make a contribution to affordable housing provision. For the Irvine/Kilwinning sub-market housing area, a contribution of 15% is required and should be provided in line with the Council's supplementary guidance.

The application site is also within a Mixed Use Employment Area as identified within the LDP. Policy IND5 (Mixed Use Employment Areas) requires that such sites should retain merit as employment locations and that an introduction of a mix of uses is acceptable where this facilitates new employment provision or improvements to existing employment space.

Policies PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), PI 8 (Drainage, SuDS and Flooding), PI 13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

The allocation of the site for housing was promoted through the draft version of the LDP in 2011. The subsequent release of the site for housing was confirmed when the LDP was adopted by the Council in May 2014 following external examination by Reporters appointed by the Scottish Government.

The following supporting documents form part of the application:

Consultation Process with North Ayrshire Council

This report summarises the applicant's engagement with the Council prior to the submission of the application. The pre-application process included a Design Workshop, meetings and feedback sessions with key consultees.

Pre-Application Consultation (PAC) Report

A PAC report is required by the Development Management Regulations for all major planning applications. The submitted report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant in finalising the proposals.

Design and Access Statement

A Design and Access Statement is required by the Development Management Regulations for all major planning applications. The submitted Statement describes the design process followed by the applicant in formulating the proposal, with reference to various design principles and reference sources.

Other supporting documents include an indicative masterplan for the whole North Newmoor site, which has an area of approx. 27.7Ha., a noise impact assessment, drainage statement, transport assessment and a site investigation study.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in a local newspaper on 19 February 2016 for neighbour notification purposes. One objection was received and can be summarised as follows: -

- 1) There are existing businesses within North Newmoor which have significant economic benefit to Irvine and North Ayrshire. Due to business demand, increased working hours and weekend working is now common which necessitates the movement of regular HGV traffic. There are concerns that there could be noise complaints from future residents given the proximity to residential properties, particularly in relation to later residential phases.

Response: The application site is an allocated housing site within the LDP where the potential impact on existing businesses and infrastructure was fully considered in terms of the allocation through the Local Development Plan Process. Access into the distribution warehouses is separated from commercial traffic to enter the residential development area. Environmental Health has not objected to the development subject to the implementation of the noise mitigation measures as detailed in the Noise Impact Assessment. This would be addressed by the imposition of an appropriate planning condition. Environmental Health also advises that any subsequent planning application for future residential phases should also be subject to a Noise Impact Assessment to ensure that adequate mitigation measures can be achieved and implemented with respect to noise levels to noise sensitive properties.

Consultations

Environmental Health: - No objections. As discussed above, Environmental Health advise that there are no objections to the development subject to the implementation of the noise mitigation measures as detailed in the Noise Impact Assessment and the implementation of the recommendations contained within the Site Investigation Study. It is also advised that any subsequent planning application for future residential phases should also be subject to a Noise Impact Assessment to ensure that adequate mitigation measures can be achieved and implemented with respect to noise levels to noise sensitive properties.

Response: Noted. An appropriate planning condition could be imposed with respect to the noise mitigation measures. Similarly, a Noise Impact Assessment would be required for any future planning application.

NAC Arboricultural Officer: - An arboricultural impact assessment should be submitted to demonstrate how the development would impact on existing trees. A methodology statement for working around the trees should also be submitted for consideration.

Response: Noted. This could be addressed through the imposition of an appropriate planning condition.

NAC Flooding Officer - no objections subject to the submission of a sustainable drainage strategy for the proposed development and wider master plan site prior to the commencement of any development.

Response: Noted. A suitably worded condition could be imposed to meet the above requirement.

NAC Transportation (Roads): - No objections. Transportation Officers contributed to the proposals at the pre-application stage. and note that full consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. Standard conditions should be imposed with respect to the driveways within the development. The Transport Assessment submitted with the proposal does not raise any concerns or issues. Road Construction Consent would also be required and a Road Safety Audit (RSA) would be required as part of this process.

Response: Noted. The proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout. It is considered that the proposal has maximised the connectivity of the site with the surrounding area and adequate parking provision has been proposed. A suitable condition could be imposed with regards to the driveways. An informative could also be attached to advise the applicant on the need for Road Construction Consent and Road Safety Audit.

SEPA: - No objections. Standard advice has been issued with respect to surface water drainage, SuDs and construction/demolition, pollution prevention.

Response: Noted. An informative can be attached to advise the applicant to contact SEPA with this regard.

West of Scotland Archaeology: - No objections. There is potential for material to present within the site relating to activity from the medieval period onwards. A condition should be imposed to secure the implementation and implementation of a programme of archaeological works.

Response: Noted. This advice could be addressed by a planning condition.

NAC Education: - No objections. The proposal would not result in any capacity issues on education provision.

Response: Noted.

NAC Housing: - No objections. The affordable housing contribution should be 15% in accordance with Policy RES4 (Affordable Housing) contained within the LDP.

Response: Noted. It is considered appropriate to attach a condition to ensure that the mechanism for the affordable housing contribution is agreed between the developer and NAC Housing prior to the commencement of development on site.

NAC Access Officer: - No objections. The Core Path IK25 is located within proximity to the northern site boundary and the proposal includes a link to this path which would accord with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. There is also a proposed connection to the landscaped court in Phase 1 to the site entrance which is identified for future development in the indicative masterplan. These connections are welcomed and should be constructed to a multi-user and all abilities access standard.

Response: Noted. The path connections would be overlooked by windows which serve habitable rooms on nearby dwellings which would provide adequate surveillance. An appropriate condition could also be imposed to ensure that the path connections are constructed to a multi-user and all abilities access standard.

3. Analysis

The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES 2, which identified an indicative capacity of 300 units. Policy RES 2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. The LDP Action Programme lists the following as indicative requirements:-

- (a) Agree development mix within development brief/master plan;
- (b) Demonstrate an element of retained employment use, the nature of which to be agreed with reference to a business plan;
- (c) Employment uses to be located on-site, unless suitably alternative provision can be provided off site.
- (d) Retail development to serve local need in accordance with Policy TC5.
- (e) Improve access across B7080 (Long Drive) and A78 to improve connectivity to adjacent areas and provide safer routes to school.
- (f) Prepare drainage impact/flood risk assessment.
- (g) Secure contributions towards AH.

In relation to the above Action Programme points, (a) phases 1 and 2 propose residential development only. An indicative masterplan submitted with the application indicates mainly residential development with commercial units at the site entrance from Stanecastle Roundabout. There would also be residential development to the north and west of the existing Amer Sports distribution warehouse. A formal masterplan and development brief for the remainder of the allocation would be secured by condition in advance of any subsequent planning applications. As noted in criterion (d) above, any proposed retail development would require to accord with Policy TC5 (Local Shops) contained within the LDP.

In relation to (b) and (c), there are no existing employment uses within the current application site, however the existing industrial uses are retained within the wider site. The indicative master plan indicates some commercial development, which would require to comply with policy TC5 , which would be assessed in any future application. There is an existing distribution warehouse immediately to the east of the site, Tennents, and within the south east area of the wider master plan site, Amer Sports. It is considered that the application adequately demonstrates that the proposal could be integrated with the existing commercial units. Further applications for latter phases would also require to demonstrate that the development could successfully integrate with existing commercial uses.

In relation to (d), there are no retail units proposed within phases 1 and 2. As noted above, any future applications for retail development within the site would require to be fully assessed against Policy TC5. With regards to (e), there are existing pedestrian crossings (footbridges) over the B7080 (Long Drive) and A78 within the wider masterplan site. Any future proposal should seek to ensure that there is connectivity from the development to these crossing points.

In relation to (f), a Drainage Statement was submitted with the application. SEPA and NAC Flooding Engineer have no objections to the proposal, as noted above. With regards to (g), NAC Housing advised that the affordable housing contribution should be 15%. It is considered appropriate to attach a condition to ensure that the mechanism for the affordable housing contribution is agreed between the developer and NAC Housing prior to the commencement of development on site.

In view of the above, and with the imposition of appropriate planning conditions, it is considered that this application for residential development would comply with both Policy RES2.

With regards to Policy RES4, NAC Housing have advised that the affordable housing contribution should be 15% with the preference being units in accordance with RES4. It is considered appropriate to attach a condition to ensure that the mechanism for the affordable housing contribution is agreed between the developer and NAC Housing prior to the commencement of development on site. The proposal is therefore satisfactory in terms of Policy RES4.

Policy IND5 requires that Mixed Use such sites should retain merit as employment locations and that an introduction of a mix of uses is acceptable where this facilitates new employment provision or improvements to existing employment space. As discussed above, the indicative master plan indicates some commercial development, however, this would require to comply with policy TC5 which primarily relates to small individual local shops and neighbourhood shopping centres serving a walk-in catchment. There is an existing distribution warehouse immediately to the east of the site and a further warehouse within the eastern part of the wider master plan site. It is considered that the application adequately demonstrates that the proposal could be successfully integrated within the mixed use site without conflict or adverse impacts on amenity or the existing commercial units. Further applications for later phases would also require to demonstrate that the development could be successfully integrated with these existing commercial units. The proposal is therefore satisfactory in terms of Policy IND5.

Policy PI 1 (Walking, Cycling and Public Transport), requires that account has been taken of the needs of walkers, cyclists and public transport, including a demonstration that the proposals reflect the principles of Designing Streets. It is considered that the proposed footpath connections to the existing network would be adequate in this regard. It is also considered that the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout which has maximised the connectivity of the site with the surrounding area. The proposal is therefore satisfactory in terms of Policy PI 1.

PI 4 (Core Path Network), requires that development within close proximity of the Core Path network should provide suitable links to the Core Path Network where appropriate. The proposal includes a link from the site to IK25 core path to the north of the site which would accord with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. There is also a connection to the landscaped court in phase 1 to the site entrance which is identified for retail development in the indicative masterplan. These connections are welcomed and should be constructed to a multi-user and all abilities access standard. The routes would also be overlooked by the neighbouring houses to provide sufficient active and passive surveillance of the routes. The proposal is therefore satisfactory in terms of Policy PI 4.

As noted above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout, which has been refined several times since October 2015. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. As noted above, connectivity to the existing network of streets has also been taken into account and adequate provision would be made in this regard. It is considered that the proposal meets the requirements of Policy PI 1.

Policy PI 8 (Drainage, SUDS and Flooding) has been comprehensively considered and consultation has taken place with SEPA and NAC Flooding Engineer. Surface water would dissipate by a combination of piped discharge and overland flow into the drainage system, infiltration into the ground and evaporation in accordance with the SuDs Manual and discharged via an attenuation manhole to the surface water sewer adjacent to the A78. A suitably worded condition could be attached with respect to sustainable drainage for the application site and wider masterplan area. It is considered that the proposal meets the requirements of Policy PI 8.

Policy PI 13 (Carbon Emissions and New Buildings) states that all new buildings must reduce CO2 emissions above or in line with building standards. Whilst a separate building warrant application would be required to assess insulation standards and energy efficiency, the planning process can assist in the reduction of CO2 emissions in respect of passive energy efficient measures. In this regard, the siting and orientation of buildings can have an important effect on the use of lighting and heating systems within buildings. Careful consideration has been given by the applicant and by planning officers to ensure that orientation favours as much natural light and solar gain within the development as possible. A significant number of houses would feature generously sized front windows to capture as much daylight/sunlight as possible. It is considered that the proposal meets the requirements of Policy PI 13.

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims, as noted above in respect of Policy PI 1.

With regards to the relevant criteria of the General Policy: -

(a) Siting, Design and External Appearance

The proposed layout incorporates a street block road network of varying widths creating a hierarchy for primary and secondary routes, with all properties having a road frontage. Open space areas within the development would all be overlooked by principal elevations of dwellings. As discussed above, the proposed development has embraced the Designing Streets concept from the outset. The proposed mix of 2 storey dwellings are considered to be satisfactory in terms of siting, design and external appearance. A condition could be imposed to ensure a final check of materials prior to the commencement of building operations. It is considered that the proposal is satisfactory in terms of criterion (a).

(b) Amenity

It is considered that the proposed development would have a satisfactory standard of amenity and open spaces for children's play and recreation. Environmental Health are also satisfied that the proposed noise mitigation measures as detailed in the submitted noise impact assessment would also be acceptable with respect to residential amenity. It is therefore considered that the proposal would be satisfactory in terms of criterion (b).

(c) Landscape Character

The site is within a former industrial estate where there is a well established landscape buffer with the A78 (Irvine Bypass) and B7080 (Long Drive). It is considered that the proposed residential development would have a positive visual impact by occupying an otherwise largely vacant site.

(d) Access, Road Layout, Parking Provision

As noted above, consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. It is considered that the proposal is satisfactory in terms of criterion (d).

(g) Infrastructure and Development Contributions

In respect of play facilities, there would be two well connected, centrally located, open space areas which would ensure a reasonable balance of development and open space. As discussed above, for the Irvine/Kilwinning sub-market housing area, an affordable housing contribution of 15% is required and should be provided in accordance with the Council's supplementary guidance. An appropriate condition would be imposed with this regard to agree and secure the method of contribution. The proposal would therefore accord with criterion (g).

In summary, it is considered that the proposal accords with the provisions of the LDP and would offer a welcome and positive development for Irvine, resulting in the regeneration of a brownfield site through the development of well designed housing following site release through the LDP process. The application should therefore be granted subject to the conditions listed in Appendix 1.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
8 April 2016

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00070/PPM

Grant subject to the following conditions:-

1. That prior to the submission of any subsequent applications for future development phases, a detailed masterplan prepared together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of any further intrusive site investigations, archaeological investigations and the SuDS scheme.

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

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

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

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

4. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space, landscaping and SuDs pond within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 2 above.

5. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SuDS, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

6. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of

each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That no development shall take place within the development 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 by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the 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 in agreement with the West of Scotland Archaeology Service.

8. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:

- there shall be no treeworks undertaken during the main bird breeding season (March - September);
- all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.

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.

9. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the scheme for the delivery of a 15% affordable housing contribution in accordance with Policy RES 4(Affordable Housing) contained within the adopted Local Development Plan. Thereafter, the affordable housing contribution shall be implemented only in accordance with such scheme as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

10. The noise mitigation measures contained within the Noise Impact Assessment, submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations implementation. Notwithstanding this, prior to the commencement of the development hereby approved, a detailed specification and position of the acoustic fence as detailed in Appendix C of the Noise Impact Assessment, shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority.

11. That the first 2 metres of the driveways shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

12. That connecting public paths within the site shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

13. That, prior to the commencement of the development, a drainage strategy and plan

for Phase 1 and 2 shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. This shall include confirmation and certification by a suitably qualified person that a scheme to treat the surface water arising from the site including the wider master plan site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). 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. For the avoidance of doubt, the drainage strategy and plan shall be in accordance with the master plan as may be approved under the terms of Condition 1 above.

14. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

15. The recommendations contained within the site investigation report (Project Reference Number P15-409), submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations implementation. For the avoidance of doubt, this shall include the installation of ground gas protection measures and any soils deposited on site, in garden or amenity areas shall be free from contamination and suitable for use.

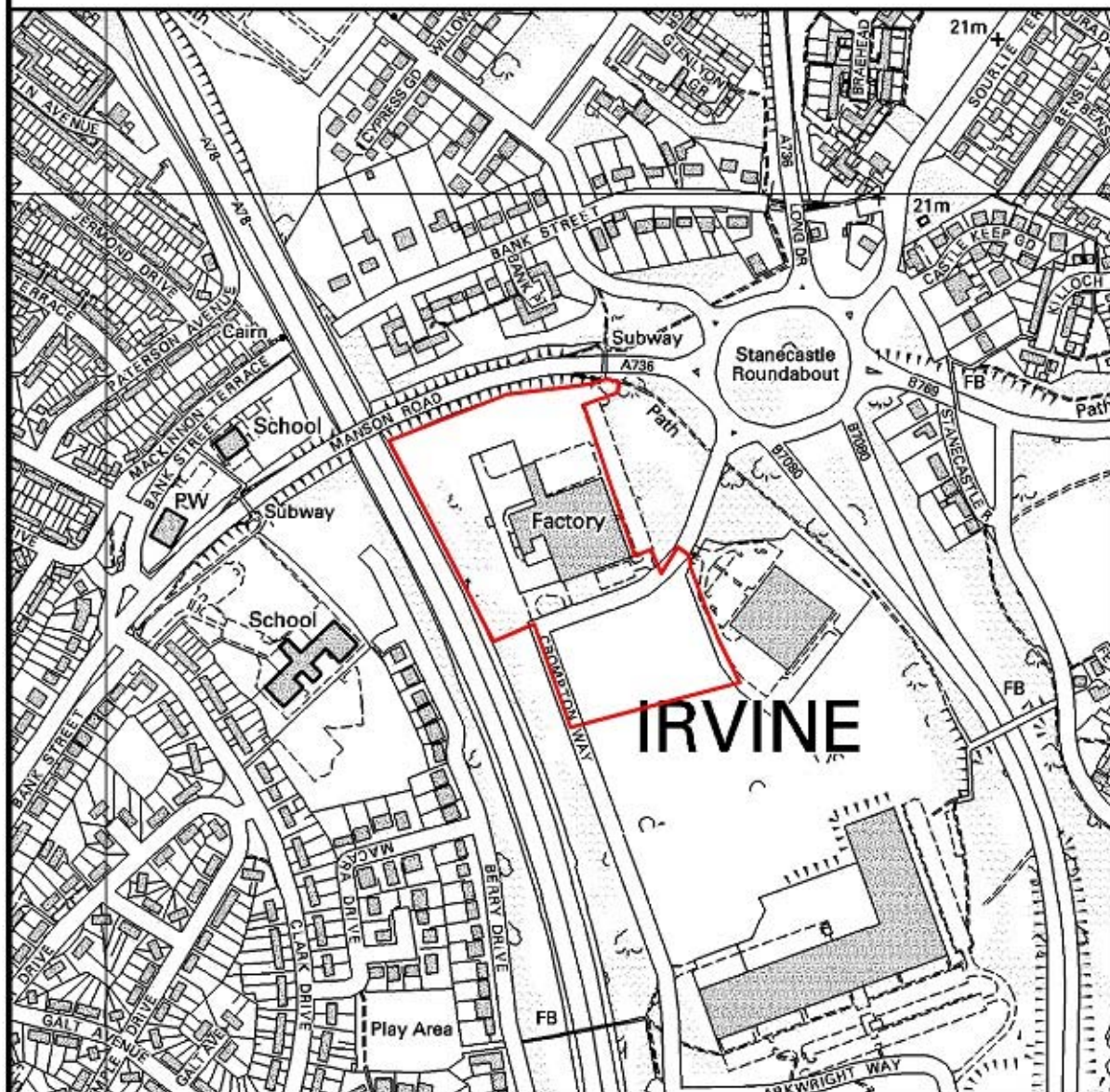
The reason(s) for the above condition(s) are:-

1. To secure a masterplan for the development in the interests of the proper planning of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. In the interest of the amenity of the area.
6. In the interest of the amenity of the area.
7. To meet the requirements of the West of Scotland Archaeology Service.
8. To manage the treeworks and safeguard trees in the interests of the amenity of the area.
9. To secure an affordable housing contribution for the development.
10. To meet the requirements of Environmental Health.
11. To meet the requirements of North Ayrshire Council as Roads Authority.
12. To ensure that the development facilitates for active travel.
13. To meet the requirements of the Scottish Environment Protection Agency.

14. In the interest of the amenity of the area.
15. To meet the requirements of Environmental Health.

Committee Plans

16/00070/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

Planning Area

**1 June 2016
Irvine/Kilwinning**

Reference

16/00243/PP

Application

30 March 2016

Registered

Decision Due

30 May 2016

Ward

Irvine West

Recommendation	Grant with Conditions contained in Appendix 1
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Location	23 Fullarton Street, Irvine
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Applicant	Catherine Walker 25 Fullarton Street Irvine
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Proposal	Change of use from Class 1 (retail) to Class 3 (food and drink) incorporating hot food takeaway and installation of ventilation extraction system.
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1. Description

This application seeks planning permission for the change of use of retail (Class 1) to a hot food take away (Sui Generis) with sit in facilities (Class 3). The application property relates to a former butcher shop at 23 Fullarton Street, Irvine. The main function of the premises would be takeaway with ancillary seating available. The takeaway would operate as part of a catering company which also occupies the adjoining unit at No. 21 which was previously a hairdressers (Class 1). The proposed hours of operation would be 0700-1800 Mon-Sun. The proposed ventilation would be an internal extraction system with an external vent.

The application site relates to a ground floor unit located within a small parade of shops on the west side of Fullarton Street, Irvine. There are flatted properties located above the application premises.

The application site is within a residential area as identified within the Adopted North Ayrshire Local Plan and is unaffected by any site specific policies or proposals therein. The application requires to be considered in terms of LDP Policy TC 5 (Local Shops), which includes hot food takeaways, and the General Policy where the relevant criteria would be a) Siting, Design, and External Appearance, b) Amenity, and d) Access, Road Layout, Parking Provision.

The takeaway operated previously for period in excess of 6 months without the benefit of planning permission. Following a complaint on odour from cooking, the applicant was advised in April 2015 that planning permission was required. A subsequent application was submitted and refused in November 2015, due to a lack of information with respect to ventilation (ref. 15/00513/PP). This decision was also upheld at the Local Review Body. The takeaway use ceased thereafter.

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures. 2 letters of objection were received and 5 pro-forma letters in support. The objections can be summarised as follows: -

1) The takeaway has led to parking problems. There is also a problem with odour as a result of hotfood preparation.

Response: There is on road parking adjacent to the site. NAC Transportation had no objections to the previous application(see below). Environmental Health has no objections subject to the imposition of a planning condition with respect to noise levels from the proposed ventilation system.

2) A shed, gates, CCTV and fencing have also been erected without planning permission.

Response: Noted. This matter is being investigated separately.

The letters of support can be summarised as follows: -

1) The proposal has resulted in an improvement to the overall look of the building and the surrounding area. Private investment from the applicant is of benefit to the community.

Response: It is considered that the occupation of the unit would have a positive impact on the local community (see analysis).

Consultations

NAC Transportation (Roads) was consulted on the previous application and offered no objections. There is on road parking adjacent to the site.

Response: Noted. The application property is located within a parade of shops and is within walking distance to surrounding residential properties and it is not considered that the proposal would result in a significant increase in traffic generation.

Environmental Health: - No objections. In order that the proposed ventilation system does not result in nuisance to occupiers of nearby noise sensitive properties appropriate conditions should be imposed with respect to noise levels from the operation of the takeaway/café.

Response: Noted. This could be addressed by the imposition of an appropriate planning condition.

3. Analysis

The application requires to be considered in terms of Policy TC 5 and the General Policy. Policy TC 5 states that the development of new local shops outwith town centres, including hot food shops, shall not accord with the LDP, unless they can be justified against certain criteria. The overriding purpose of Policy TC 5 is to safeguard town centres, whilst allowing for new shops in housing areas or other locations where there is a recognised local need.

As there is an existing retail shop on the site, which is within a parade of shops with flats above, the principle of commercial development has long been established. It is not considered that the proposal would be contrary to the overall aim of Policy TC 5 since the unit could be re-used for retail purposes without the need for planning permission. As such, it is not necessary for the applicant to demonstrate that there is a need for the proposed hot food takeaway.

In terms of the General Policy, (a) Siting, Design and External Appearance, it is considered that the previous occupation of the unit has resulted in cosmetic improvements to the shopfront including the painting and cleaning of the stall risers and the erection of new and improved signage. It is considered that the proposal would accord with criterion (a).

(b) Amenity, given the proposed hours of operation and as the facility is situated within an existing parade of shops, it is not considered that the proposal would have a significant adverse impact on residential amenity with regards to noise and vehicular movement. A planning condition could be imposed to confirm the restricted hours of operation in the interests of residential amenity. With respect to potential odours from food preparation, the applicant has submitted a ventilation specification with the application and Environmental Health is satisfied that the proposed ventilation would adequately mitigate any potential odours, particularly to the residential properties above. A planning condition would also be imposed which would restrict the noise levels in the interests of residential amenity. In view of the above, the proposal would accord with criterion (b).

d) Access, parking, layout, There is on road parking adjacent to the site. NAC Transportation (Roads) offered no objections to the proposal. The proposal therefore accords with criterion (d).

In view of the above, it is considered that the proposal adequately addresses the previous concerns with respect to odours raised in both the previous application and the LRB case (Ref: 15/00513/PP) and that with the imposition of the aforementioned planning conditions, the proposal would accord with the relevant provisions of the Local Development Plan (LDP). There are no other material considerations. Planning permission should therefore be granted.

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
28 April 2016

For further information please contact Mrs F Knighton, Planner , on 01294 324313

APPENDIX 1

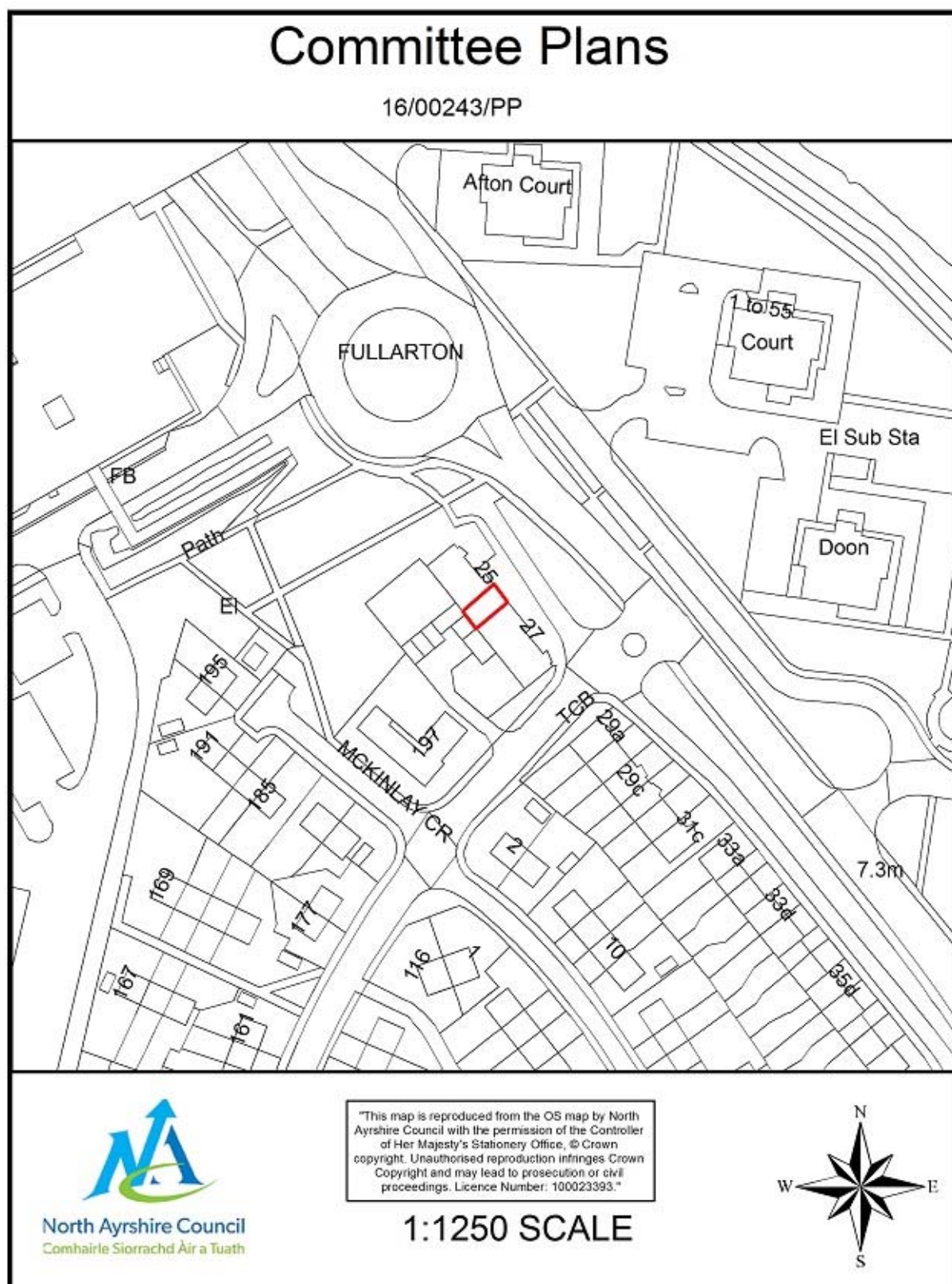
RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00243/PP

Grant subject to the following conditions:-

1. That the hours of operation for the sale of hot food at the premises shall be only between the hours of 0700 and 1800 on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
2. That, prior to commencement of the use hereby approved, the extraction system as detailed on drawing Ref: C/2302 shall be installed and operational, when the premises are in use, and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.
3. That the noise from the operation of extraction system hereby approved shall not cause nuisance to occupiers of nearby noise sensitive properties. For the avoidance of doubt: -
 - a) The noise level from the unit when measured in a habitable room within a noise sensitive property shall not exceed 35dB(A)LEQ(1 hour) between the hours of 07:00 to 23:00 and shall not exceed 30dB(A)LEQ(15 mins) between the hours of 23:00 to 07:00.
 - b) Using the principles set out in BS4142: 2014 Method for Rating and Assessing Industrial and Commercial Sound the rated noise level from the operation of the proposed unit, when measured outdoors, shall not exceed the background level by 5dB(A) or more at a suitable location within the grounds of any noise sensitive property.

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

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



NORTH AYRSHIRE COUNCIL

Agenda Item 5

Planning Committee

1 June 2016

Planning Area

North Coast and Cumbraes

Reference

16/00321/PP

Application

14th April 2016

Registered

Decision Due

14th June 2016

Ward

Dalry and West Kilbride

Recommendation**Grant as per Appendix 1**

Location25 Caldwell Road
West Kilbride**Applicant**

Mr Roger Woods

ProposalErection of infill conservatory to rear of upper floor
of detached dwelling house

1. Description

This application seeks permission to construct a conservatory on a first floor balcony on the rear elevation of a large detached dwellinghouse located on the west side of Caldwell Road, West Kilbride. The existing balcony is some 11.1m long, extending between projections on either side of the building which extend some 1.4m beyond the outward edge of the balcony, and extends some 2.9m from the main rear wall of the dwellinghouse. It is proposed that the conservatory would occupy the entire balcony area, having a polycarbonate pitched and hipped roof with its ridge some 2.9m above the balcony level and running parallel with that of the main house but still some 4.5m below the ridge line of the main roof, and with the entirely glazed and white Upvc framed west facing elevation some 2.1m high.

The application site is bounded on all sides by residential properties within large plots and sits at a considerably higher level than that of the neighbouring houses to the west on Pantonville Road.

The application site lies within a Residential area in the adopted Local Development Plan and requires to be assessed against the relevant criteria of the General Policy of the LDP, in this case (a) siting, design and external appearance, and (b) amenity.

The application site has a planning history, the most relevant of which relates to the existing balcony. Following a planning permission (07/00615/PP) of September 2007 which approved significant extensions and alterations to the house, a subsequent application to amend various components of the approved design (08/00537/PP) , which included a proposal to extend the width of the 1st floor balcony in lieu of making concessions to remove windows and a section of ground floor decking from the permission which a neighbour considered would have has an adverse impact on their privacy, was partly refused and partly approved by the Planning Committee at the meeting of 16th Sept 2008. The part of the proposal, which was refused planning permission, was for the extended balcony, on the grounds that it would adversely impact on the appearance of the dwellinghouse and the amenity and privacy of the properties on either side of it. The balcony was thereafter the subject of enforcement action to have it returned to its originally approved design as it had by that time been constructed.

In March 2009, the DPEA Reporter dismissed the applicants appeal against the Enforcement Notice (ENA) and, following failure to comply with the Notice, the case was referred to the Procurator Fiscal who decided in June 2011 that it was not in the public interest to prosecute. The present position therefore is that while the existing balcony does not have planning permission, it is now not subject to any enforcement.

2. Consultations and Representations

The relevant neighbour notification procedure was carried out and the application did not require to be advertised in the Local Press.

No consultations were undertaken.

One letter of objection and a letter of representation were received as a result of the publicity exercise and are summarised as follows:

1. The Planning Committee should be aware of the previous breach of planning and enforcement action which took place in relation to this property.

Response: The planning history is considered above.

2. The proposed conservatory would overlook the objectors property in an unacceptable way.

Response: See analysis.

3. Analysis

The application relates to the erection of a conservatory on the existing first floor balcony of a detached dwellinghouse. In support of the application, the applicant states that since he bought the property, there has been constant problems of water ingress along sections of the original rear wall of the house, and despite several attempts at resolve the problem, it still persists, with evidence of this clearly visible on internal inspection of the property. The applicant is also concerned that whilst the legal proceedings instigated by the Council were not endorsed by the Court, the balcony still remains in breach of the Enforcement Notice and he wishes to obtain permission for the conservatory, part of which would be the unauthorised balcony and which, if approved, may allow him to then seek to quash or the withdrawal of the Enforcement Notice.

The application requires assessment against criteria (a) and (b) of the General Policy of the LDP in relation to design and appearance and its impact on amenity of neighbouring properties respectively.

In relation to criterion (a) the Department of Planning and Environmental Appeals (DPEA) Reporter in determining the ENA considered that the proposed balcony, with its long balustrade, would be visually intrusive because of its prominent position at first floor level and hillside location. The absence of balconies on the houses on either side of the application site was also observed, notwithstanding other examples in the wider area.

Following the decision on the ENA, planning permission was granted, in March 2012, for extensions to the rear of the house to the north of the application site, which included the formation of a first floor balcony. It is also noted that planning permission was granted for an alteration of the property to the south of the application site which included the formation of a large first floor balcony. It is considered the proposed enclosure of the balcony, when viewed in the context of the massing of the property and the higher main roof of the house, and that it would only be visible at close range from the properties to the west, the proposed development would not have a significant adverse impact on the siting, design and external appearance of the property.

With regard to criterion (b), amenity, the Reporter considered that the use of the balcony would enable overlook of the rear gardens of neighbouring dwellings, particularly those at nos. 23 and 27 Caldwell Road. The Reporter also found that whilst the tower and the extension to the north would obstruct certain overlook, the larger balcony would allow a much wider view of surrounding properties than the approved central position.

From site inspection, it is considered that due to these extensions, which project some 1.4m beyond the balcony, the degree of overlook of the gardens of the neighbouring houses is not significant. Furthermore other factors to be considered are the boundary planting, the size of the gardens, and the degree of existing overlook from the balcony. The objector's property is located some 58m from the location of the balcony. In these circumstances, it is not considered that the proposed conservatory would result in any significant loss of privacy to, or amenity to neighbouring residential properties.

In view of the above it is recommended to support the proposed development, notwithstanding the previous decisions of the Planning Committee, and DPEA as it is considered to satisfy the relevant criteria of the General Policy of the Local Development Plan.

4. Full Recommendation

Grant as per Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
19 May 2016

For further information please contact Gordon Craig , on 01294 324380

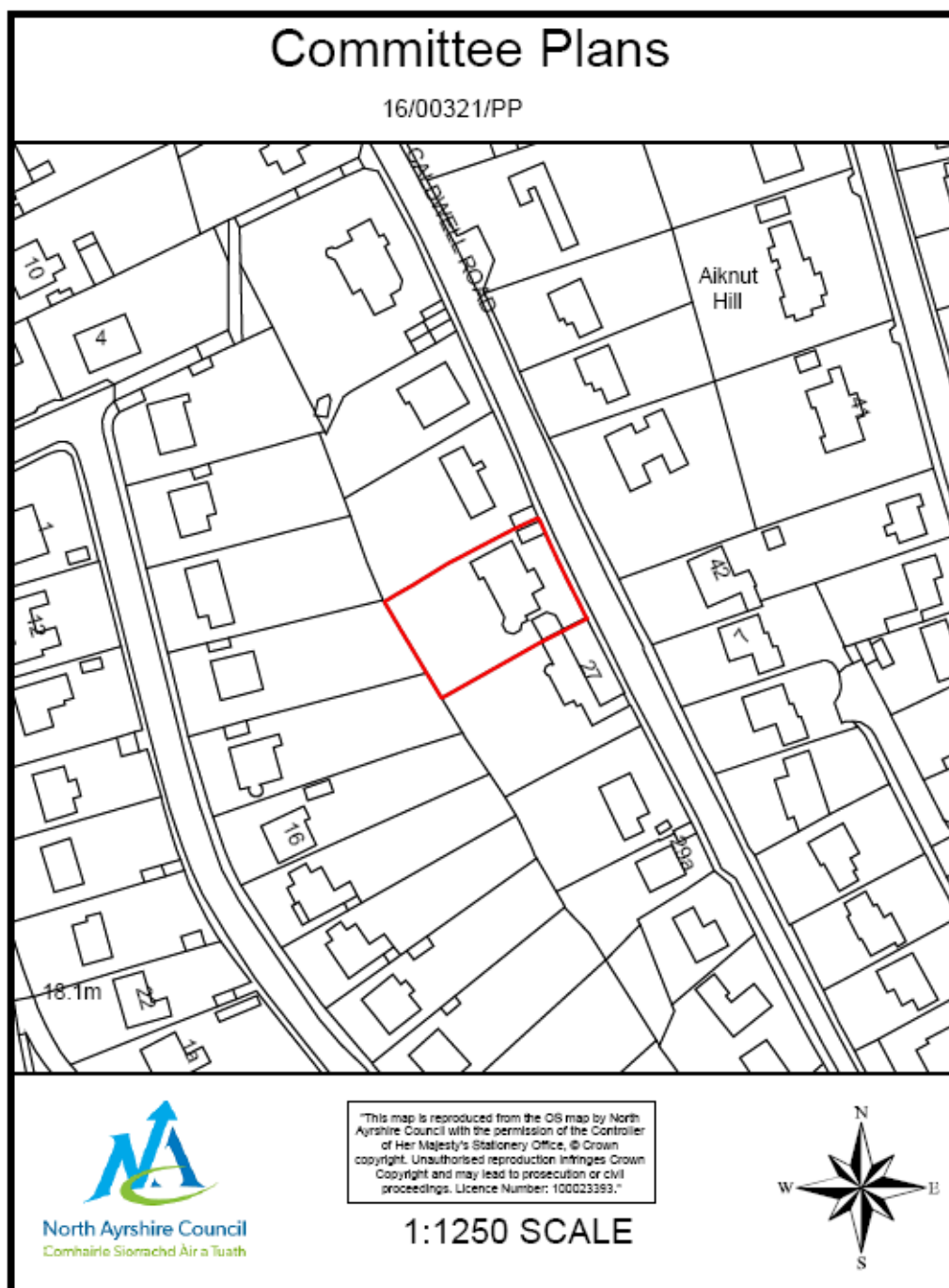
APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00321/PP

Grant (No conditions).

Reason(s) for approval:

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



NORTH AYRSHIRE COUNCIL

Agenda Item 6

1 June 2016

Planning Committee

Title: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 17 Howden Avenue, Kilwinning KA13 7AQ**

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.

Recommendation: That the Committee grants authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact of the land on the local area.

1. Executive Summary

- 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 land at 17 Howden Avenue, Kilwinning KA13 7AQ. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 No. 17 Howden Avenue comprises a residential property on the western side of Howden Avenue. No. 17 is the upper flat of a semi-detached property, with garden ground to the front, side and rear. The property is located within a residential area of Kilwinning, with residential properties to all sides.
- 1.3 The garden ground of the property, particularly to the side and front, has been used for dumping of what appears to be household items, building, garden and general waste. The property appears to currently be vacant and it is not clear if the waste relates to this property although allegations of dumping from other sides have been made. The land is visible from the adjoining residential properties and Howden Avenue. The condition of the land, due to the accumulation of refuse, has a significant adverse impact on the amenity of the local area.

2. Background

- 2.1 The site is a residential property which has had an accumulation of the refuse and waste in the garden ground, particularly to the side and front. The land is identified in the Local Development Plan as within the settlement of Kilwinning.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land in February 2016, revealed that refuse had been dumped on site. The owner of the land was requested in writing to clear the site and confirm intentions for the site. No response was received. Further inspections were carried out in March and April 2016 where it was revealed that the refuse had not been removed and further dumping appeared to have occurred. Further letters were sent to the owner requesting clearance. However, no response has been received.
- 2.3 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The area where the refuse is located is visible from the road and adjacent residential properties.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
 - (i) Removal of all refuse from the grounds of the property;
- 3.3 It is proposed that the owner would be given 28 days from the date of any Notice taking effect in which to carry out the requirements.

4. Implications

Financial:	Should any of the requirements 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(s) who was then the owner or lessee any expenses reasonably incurred during the carrying out of these works.
Human Resources:	N/A
Legal:	The proposed Notice is in accordance with Statutory Regulations
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations"
Community Benefits:	The proposed Notice would address complaints regarding the condition of the site.

5. Consultation

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



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference : ID

For further information please contact Iain Davies on 01294 324 320

Background Papers

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Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 17 Howden Avenue, Kilwinning KA13 7AQ



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 7

1 June 2016

Planning Committee

Title: **Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: Windyhill, Benslie, Kilwinning KA13 7QY**

Purpose: To seek authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 14/00421/PP)

Recommendation: That the Committee grants authority for the service of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 14/00421/PP)

1. Executive Summary

- 1.1 Planning permission was granted on the 4th August 2014 (ref: 14/00421/PP) for the refurbishment and extension of an existing balcony to the front of a detached dwelling house. The permission was granted subject Condition 1, which requires that prior to commencement of the development details of a 1.8m high obscure glazed panel, or similar screening, to be installed on the northern elevation, be submitted for approval of the Council, as Planning Authority. Any agreed details shall be installed and retained thereafter. The reason for the condition was in the interest of the amenity of the area. Details of a 4 metres x 2metres reed and wicker fence panel, folded so that the panel was double thickness, sited along the northern elevation of the boundary, was submitted and approved by the Council 18th August 2014.
- 1.2 The Council received a complaint in August 2015 that the balcony had been constructed but the screening had not been installed. An inspection revealed that the screen had not been installed and the owners were written to. They advised that it would be installed shortly. A subsequent inspection of the property revealed that a panel had been placed on the balcony.

However, it was not fixed across the northern elevation and had dropped to one side. Further correspondence sought installation of the panel across the full width of the northern elevation. The screening was repositioned. However, it was sited in such a way that gaps remained. The Council sought installation of the full width screen with no gaps. Following correspondence with the owner throughout the winter/spring of 2015/2016, the owner stated that there was a fault with the balcony handrail and they had removed the screen. The owner has been advised that an alternative type of full width screen could be acceptable. However, no further proposals have been received. The Council has received further complaints of the balcony in use without the required screen. As the screen has not been installed and maintained, Condition 1 is found to be in breach.

- 1.3 A Breach of Condition Notice would require full compliance with the requirements of the condition. Compliance would be required within 6 weeks of the date of the issue of the Notice. There is no right of appeal against a Breach of Condition Notice. Anyone responsible for not complying with a Breach of Condition Notice is guilty of an offence, which can be reported to the Procurator Fiscal.

2. Background

- 2.1 The following condition attached to planning permission dated 4th August 2014 (ref: 14/00421/PP) has not been complied with and is therefore in breach.

Condition 1 - That prior to the commencement of the development hereby approved, details of 1.8m high obscure glazed panel, or similar screening, to be installed on the northern elevation of the balcony shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the approved obscure glazed panel, or screening, shall be installed and retained thereafter, all to the satisfaction of North Ayrshire Council, as Planning Authority.

- 2.2 Details were submitted and approved. However, the approved screen was not installed across the full width of the northern elevation and has now been removed. By not retaining the approved screen the condition is in breach.

- 2.3 The Council first received a complaint that the screen had not been installed in August 2015. The Council has been in correspondence with the owner seeking installation of the screen across the full width of the northern elevation to ensure full compliance with Condition 1. The owners advised that they did not think the planning condition was necessary and wished to appeal against it. They were advised that they would have to apply for planning permission to remove the condition but this would be unlikely to be granted as the condition had been imposed due to concerns of overlooking of the property to the north, in particular with regard to a habitable window on the southern elevation of that property. An application was not made to remove the condition and the owners informed the Council that they had removed the screen. They stated this was because the balcony handrail was faulty. The Council has sought confirmation of the reinstatement of the screen and advised that an alternative screen could be agreed, if the owner so desired. No further response has been received and the screen has not been reinstated on the balcony.

3. Proposals

- 3.1 In the interests of amenity, it is proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 4th August 2014 (ref: 14/00421/PP);
- (i) Install along the full width of the northern elevation of the balcony, with no gaps, a 4 metres x 2metres reed and wicker fence panel, folded so that the panel is double thickness; and
 - (ii) Thereafter retain the panel in situ.
- 3.2 It is proposed that the compliance period for (i) be within 6 weeks from the date of issue of the Notice. Requirement (ii) will require ongoing compliance.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority - "Supporting all of our people to stay safe, healthy and active."
Community Benefits:	N/A

5. Consultation

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



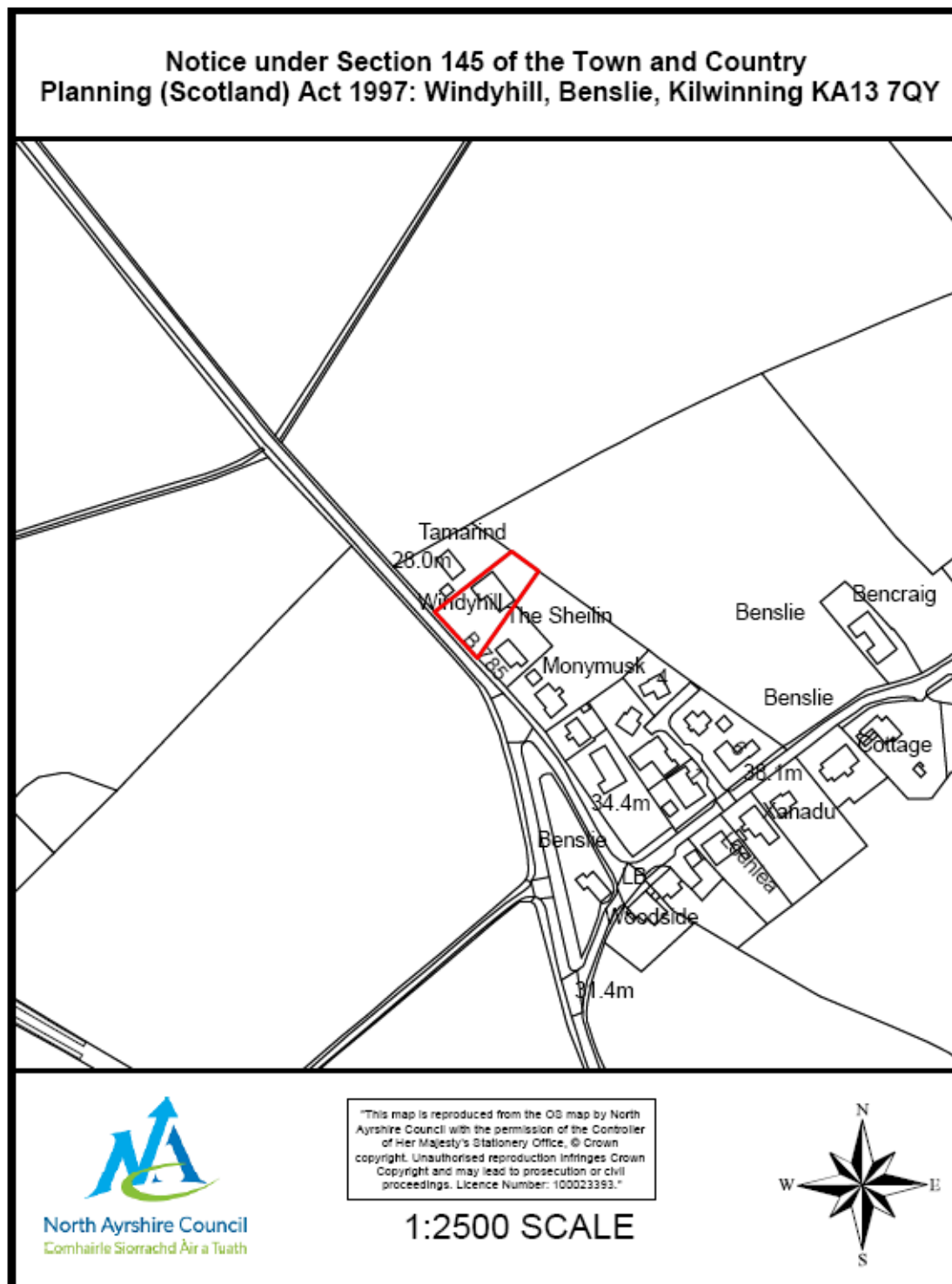
KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Iain Davies on 01294 324 320

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 8

1 June 2016

Planning Committee

Title: **Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: West Mayish Cottage, Brodick, Isle of Arran KA27 8BX**

Purpose: To seek authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 07/00787/PP)

Recommendation: That the Committee grants authority for the service of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 07/00787/PP)

1. Executive Summary

- 1.1 Planning permission was granted 15th October 2007 (ref: 07/00787/PP) for the demolition of a former farmhouse and erection of a one and half storey detached dwellinghouse and siting of caravan. The permission was granted subject to several conditions including Condition 2, which requires that within 1 month of the completion or the occupation of the dwellinghouse, whichever is sooner, the existing caravan on the site be removed and the land reinstated to its former condition. The reason for the condition was in the interest of the amenity of the area. The development was carried out and the detached dwellinghouse, now known as West Mayish Cottage, was completed on the 28th December 2009.
- 1.2 The Council received a complaint in 2010 that the caravan had not been removed. The owner of the property informed the Council that it had been removed. However, further complaints were received that the caravan remained in situ and there is no evidence of the caravan having ever been removed.

- 1.3. The owner and occupier of the property has been written to and requested to fully comply with the requirements of the condition attached to the planning permission. The owner stated that they were likely to sell the property to the occupant and the caravan was their responsibility. The occupant has stated that they only lease the cottage. Notices under S.145 ("Breach of Condition Notices") can be served on any person who carried out the development or any person having control of the land and they would be responsible for complying with the Notice. The caravan remains in situ in and therefore Condition 2 is found to be in breach.
- 1.4 A Breach of Condition Notice would require full compliance with the requirements of the condition. Compliance would be required within 6 weeks of the date of the issue of the Notice. There is no right of appeal against a Breach of Condition Notice. Anyone responsible for not complying with a Breach of Condition Notice is guilty of an offence, which can be reported to the Procurator Fiscal.

2. Background

- 2.1 The following condition attached to planning permission dated 15th October 2007 (ref: 07/00787/PP) has not been complied with and is therefore in breach.

Condition 2 - That within 1 month of the completion or the occupation of the dwellinghouse hereby approved, whichever is sooner, the existing caravan on the site shall be removed and the land reinstated to its former condition.

Complaints have been received that the caravan has not been removed. Inspections of the property have revealed the caravan to be in situ.

- 2.2 It is not known when the dwellinghouse, now known as West Mayish Cottage, was first occupied. However, from the Building Warrant records it can be stated that it was completed on the 28th December 2009. In order for the condition to have been complied with, the caravan should have been removed before the 29th January 2010. The Council first received a complaint that the condition was in breach in May 2010. The owner advised the Council that the caravan had been removed in November 2010. However, there is no evidence of the caravan having actually been removed. The caravan currently in situ is sited in the same location as that shown in the approved drawings associated with the 2007 planning permission.

The owner has been given every opportunity to provide comments in writing but has not done so. It is therefore considered that the siting of the caravan is in breach of the planning condition. If the caravan had been removed and re-sited, it would be unauthorised as it would have been done without the benefit of planning permission.

- 2.3 Following complaints received in March 2016, the Council wrote to the owner/occupiers 16th March 2016 advising that the caravan was in breach of planning control and requesting that it be removed within 6 weeks. A phone call was received from the owners of the property. They said that their tenants were in the process of buying the property and responsibility for the caravan would be theirs. The owner was advised that anyone with control in land would be responsible for complying with a planning condition. An inspection of the property in April 2016 revealed that the caravan had not been removed. A further letter was sent to the owner/occupier 29th April 2016 stating that the Council was considering formal enforcement action and asking that any formal representation be submitted in writing within 14 days. An e-mail response was received from the occupier, stating that they were only a tenant. No further response was received. An inspection of 14th May 2016 revealed that the caravan had not been removed.

3. Proposals

- 3.1 In the interests of the amenity of the area, it is proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 15th October 2007 (ref: 07/00787/PP);
- (i) Remove the caravan from the rear garden, as shown in the attached plan, and the associated timber underbuild and steps.
- 3.2 It is proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
Community Benefits:	N/A

5. Consultation

Finance and Property Services has been advised of the report in terms of its budgetary provision.



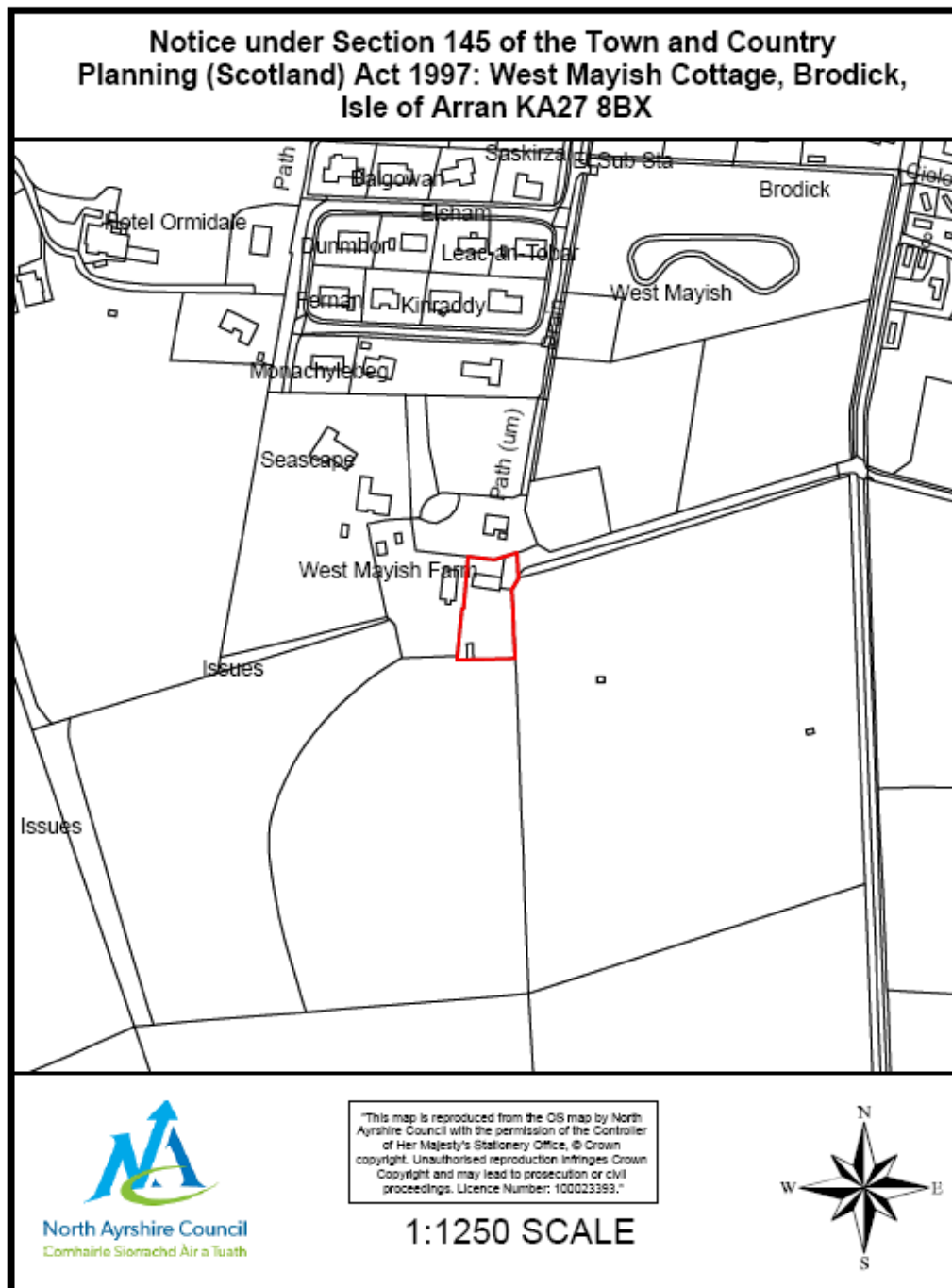
KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Iain Davies on 01294 324 320

Background Papers

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NORTH AYRSHIRE COUNCIL

Agenda Item 9

1 June 2016

Planning Committee

Title:	Stopping Up Order: B714 (Girthill Farm, Saltcoats - Tower Farm, Dalry)
Purpose:	To seek authority to make an order stopping up an existing section of the B714 which would be bypassed by a road improvement scheme
Recommendation:	Agree to promote an order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 to be known as "The North Ayrshire Council (B714 Girthill Farm, Saltcoats - Tower Farm, Dalry) Stopping Up Order 2016" to enable the realignment of the existing road to be carried out in accordance with Planning Permission reference 16/00311/PP granted under Part III of the 1997 Act.

1. Executive Summary

- 1.1 On 4th May 2016, planning permission (ref. 16/00311/PP) for the realignment of approximately 1.5km of the B714 between Saltcoats and Dalry was granted. The project would result in the diversion of the existing road onto agricultural land to the west of Girthill Farm and Yonderhouses Farm. The new road would tie-in to the existing road to the north of Yonderhouses Farm and also to the south of Girthill Farm. The existing road would remain available for farm access purposes, but would no longer be included in the list of adopted roads.

2. Background

- 2.1 The upgrading of the B714 has been identified by the Council as a key infrastructure project in terms of improving the connectivity of North Ayrshire. A route improvement and traffic study was undertaken in 2014 and completed in 2015. The study identified the need for a series of improvements along the B714 between Saltcoats and Dalry.

3. Proposals

- 3.1 It is proposed that the Council makes an order under Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 stopping up the length of the existing B714 which would be bypassed as a result of the new diverted route which is to be constructed by the Council. The order would come into effect upon the completion of the new road.

4. Implications

Financial:	The developer, being North Ayrshire Council, would be responsible for the costs required to make and implement the Stopping Up Order.
Human Resources:	None.
Legal:	The Order would be in accordance with Sections 207 and 208 of the Town and Country Planning (Scotland) Act 1997 and is required to enable a development for which planning permission has already been granted to be completed. The Council may confirm the Order if no objections are received. However, if objections are received and not withdrawn following negotiation, the Order would be referred to the Directorate for Planning & Environmental Appeals for a hearing to be held following which a decision would be taken by Scottish Ministers on whether to confirm the Order, with or without modifications.
Equality:	None.
Environmental & Sustainability:	None directly arising from the report
Key Priorities:	Improving the connectivity of North Ayrshire is key strategic objective of the North Ayrshire Local Development Plan. The upgrading of the B714 would contribute towards this strategic objective.
Community Benefits:	None.

5. Consultation

- 5.1 The upgrading of the B714 is the subject of ongoing consultation with the affected farm businesses and householders along the route. Consultations have also taken place with Transportation and Legal Services.



KAREN YEOMANS
Executive Director (Economy and Communities)

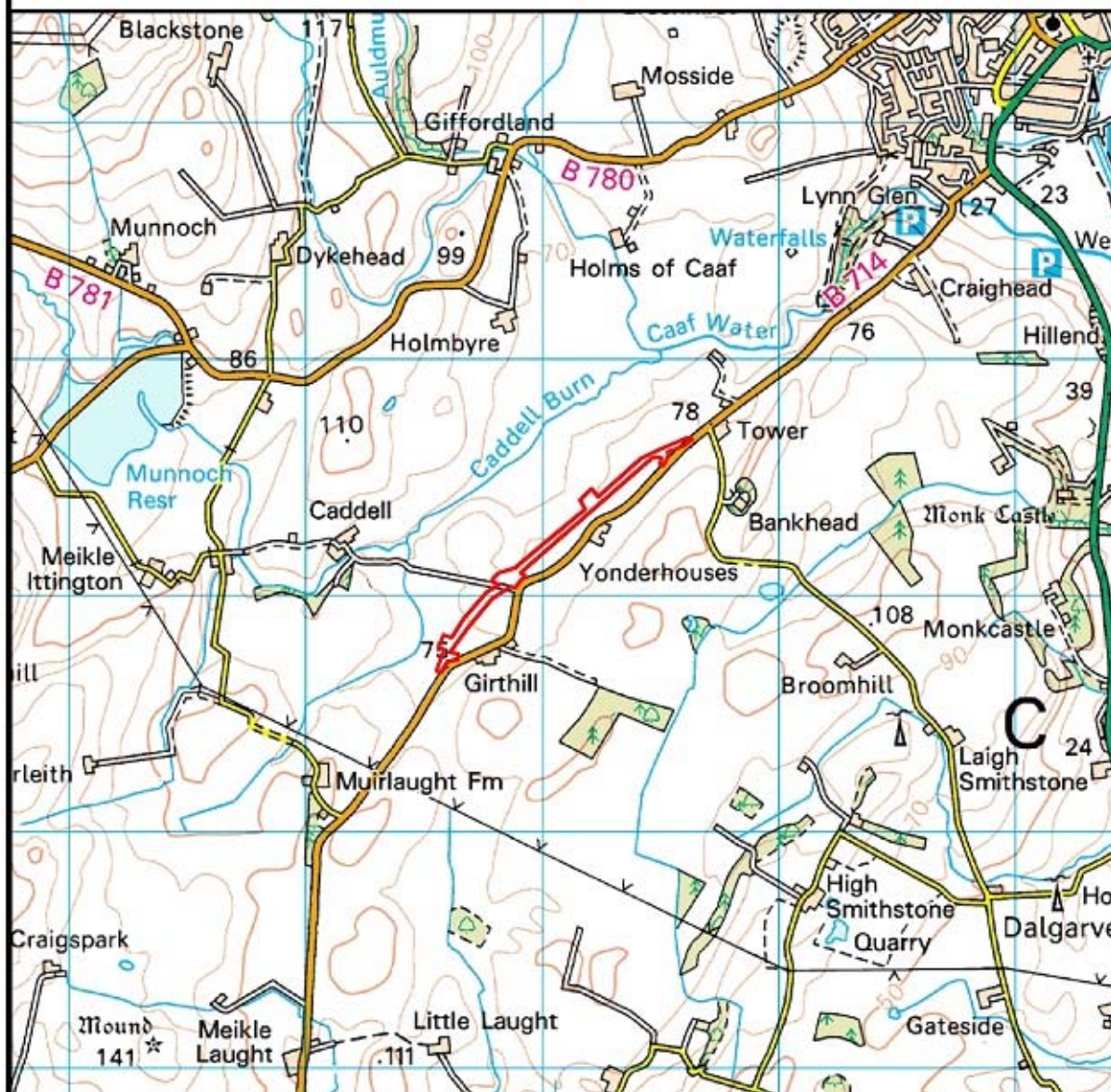
Reference : AH

For further information please contact Anthony Hume, Senior Development Management Officer on 01294 324318

Background Papers

North Ayrshire Local Development Plan, North Ayrshire Council (2014)
B714 Saltcoats - Dalry Route Improvement Proposals and Traffic Study,
North Ayrshire Council (2015)

Stopping Up Order: B714 (Girthill Farm, Saltcoats - Tower Farm, Dalry)



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