

Cunninghame House,
Irvine.

2 February 2017

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 8 FEBRUARY 2017** 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 meetings of the Committee held on 7 December 2016 and 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. Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Aberdeen Asset Management Scottish Open (Page 13)

Submit report by the Executive Director (Economy and Communities) seeking approval to undertake public consultation on the proposed Order and report the outcome of this to Scottish Ministers.

4. Isle of Arran

Submit report on the following application:

16/01233/PP: Site to South of Largiemeanoch, Whiting Bay (Page 25)

Deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction

5. Three Towns

Submit report on the following application:

16/01186/PP: Site To South West of Ardrossan Park Parish Church, Dalry Road (Page 33)

Installation of 17.5m high streetworks monopole accommodating 3 no antennas and 2 no 0.3m transmission dishes within a GRP shroud; 2 no equipment cabinets and 1 meter cabinet.

6. Kilwinning

Submit report on the following application:

16/01162/PPM: Site to north of Corsehillhead Farm, Kilwinning (Page 41)

Erection of residential development providing 64 new dwellings, together with associated parking, landscaping and services infrastructure.

7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: ASDA car park, Rivergate, Irvine (Page 57)

Submit report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of a second hand clothes collection facility/cabin, 'Cash 4 Clothes,' within the car park of ASDA, Rivergate, Irvine.

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
7 December 2016

Irvine, 7 December 2016 - At a meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Bar, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

Also Present

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

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

1. Declarations of Interest

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

2. Minutes

The Minutes of meetings of the Committee held on 16 November 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

16/00793/PP: Site To North Of Knowes Farm, Beith

Smith Skip Limited have applied to vary Condition 2 of planning permission dated 20 August 2001 (ref: 99/00036/PP) to enable waste disposal operations to continue until 20th August 2026 at the site to the north of Knowes Farm, Beith. Condition 2 initially limited the operations to within 10 years of commencement of the permission. The operations commenced August 2006 and therefore Condition 2 required operations to cease by 20 August 2016. The original conditions were attached as Appendix 1 to the report. Ninety-one objections and two representations were received. The objections/representations and the applicant's response, where appropriate, were summarised in the report.

Elected Members visited the site on 1 December 2016.

The Committee was advised of a correction to the report on Page 17 (Sections 3.7 and 3.8) which should read 20th August 2026.

Mr Ross (objector) and resident of Beith, addressed the Committee in support of his objections. There have been 13 previous applications but it is not clear at which point the contour levels of the site were agreed. He acknowledged that the site has been established, but referred to Section 3.5 of the report which stated that it is not considered that a location within a settlement for such a use would be desirable. In terms of the capacity of the site, the levels should have been achieved within 10 years and there has been plenty of time to achieve this. The materials brought to the site are almost exclusively from outwith North Ayrshire and other sites are available within a 25 miles radius. The proposed Code of Practice for vehicle movements is welcomed, however there are no details of how this would be policed. There is little evidence of efforts to examine other options in order to reduce the impact on the operation of the site on local residents. He considered that the Officer's report should be referred back for a more balanced proposal.

Janet Barr (objector) and resident of Kings Road, Beith, said her main concerns were health and safety and advised of the dust and mess generated by the lorries accessing the site via Kings Road, with dust penetrating into the homes along the route. Despite the lorries being covered, stones and boulders are cast from the vehicles onto the road and properties. The drivers need to respect the speed limits, particularly in poor weather conditions. The vehicles are noisy and are too big to use Kings Road and consideration should be given to the residential nature of road, including the close proximity of lorries to parked cars and the movement of pedestrians.

Councillor Jean Highgate (objector), resident and local Councillor of Beith, advised that a letter from W H Malcolm dismissed concerns regarding noise, dust and vibrations. Whilst changes in legislation have resulted in the site not meeting the infill deadline, the infill levels are being given more consideration than the local residents. The length of the proposed permit should be reduced.

Mr Doak, AED Planning and Development, on behalf of the applicants, Smith Skip Ltd, then addressed the Committee in response to the issues raised. W H Malcolm was appointed as the main contractor for the site in 2013 and have invested in the site and made operational changes for environmental improvement. The waste market has been affected by changing legislation which has resulted in fluctuations in the quantity and density of waste. The site therefore requires 9 further years of infilling and one additional year for restoration. SEPA has acknowledged that previous infill rates cannot be guaranteed for future years. No objections have been received from statutory consultees and the operator has not received any complaints from local residents prior to the submission of the application. The proposal also accords with the Local Development Plan. The applicant has proposed that a Code of Practice for Haulage be introduced, which would outline the practices expected from hauliers and could include the exclusion of drivers from the site who persistently breach the Code. The establishment of a Liaison Committee has also been proposed. The Liaison Committee would provide a forum for local concerns to be raised and for the sharing of information.

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

- a number of complaints to SEPA in 2012 and 2014 relating to odour caused by operational issues;
- vehicles using Kings Road to access the new school site in Largs;
- the covering of vehicles to prevent debris falling onto public roads;
- infrastructure investment, a restriction on waste types and changes to management control that took place in 2013 to reduce the odour impact from the site;
- the use of articulated lorries and tippers by five haulier companies to access the site, via Kings Road, at an average of one per hour over a 10 hour day;
- 4 axle vehicles which use the A760 route to the site;
- the introduction of a road sweeper to clean the road as required;
- the policing of the Code of Practice by the main contractor, W H Malcolm;
- the Code of Practice that could examine areas such as a restriction on vehicle using Kings Road during the times when children will be walking to school and the maximum number of articulated lorries using Kings Road per day;
- an examination of SEPA conditions in relation to the measurement of emissions on route to the site;
- that the site could not be restored within the 3 year timescale proposed by the objectors to the application;

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

- proposed conditions that could be put in place to restrict the types of waste deposited on the site, in particular to exclude residential domestic waste and to require the establishment of a Liaison Committee.
- Liaison Committees which are useful in communicating with local residents to resolve local concerns;
- the burn-off of methane within the site;
- and the provision of wheel washing facilities on site;
- Sunday deliveries to the site which are required to allow flexibility;
- safety concerns for pedestrians using Kings Road, including school children walking to the new campus; and

The Committee agreed to grant the application, subject to (a) the terms of Condition 22 being reported back to Committee for determination, and (b) the following conditions:-

1. That the landfill operations at the application site shall at all times be carried out in accordance with the working method statement, drawings and supporting information hereby approved, and there shall be no change in the operation or working method without the written approval of North Ayrshire Council, as Planning Authority.
2. That by the 20th August 2026 the operations hereby approved shall cease and the site shall be restored to the satisfaction of North Ayrshire Council, as Planning Authority.

3. That in the event of operations ceasing on the site prior to the date specified in Condition 2, within six months of the cessation of operations all buildings ancillary to the landfill operations shall be removed and the entire site restored to the satisfaction of North Ayrshire Council, as Planning Authority. Operations will be held to have ceased in the event of no in-fill operations being carried out for 6 months. For the avoidance of doubt, any voids not completed shall be covered over with top soil and grass seeded.
4. Deliveries to the site shall be made only within the hours of 07.00 to 18.00 Monday to Friday and 07.00 and 14.00 Saturday. The operation of the site shall take place only within the hours of 07.00 to 19.00 Monday to Saturday and 08.00 to 16.00 Sundays, except in the case of emergencies to be agreed as soon as practicable with North Ayrshire Council, as Planning Authority.
5. That within 3 months of the date of the decision, detailed site drawings of the phasing operations for in-fill in the remaining cell areas shall be submitted to North Ayrshire Council, as Planning Authority, for approval. Thereafter operations shall be carried out in accordance with the approved details.
6. That within 3 months of the date of the decision the applicant shall submit for the written approval of North Ayrshire Council, as Planning Authority, details of a financial bond secured with SEPA to ensure the restoration of the site to agricultural use in the event that the applicant is unable to implement the restoration works approved under Condition 3 above.
7. That within 3 months of the date of the decision, confirmation of the location and size of the topsoil stockpile shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
8. That all topsoil and soil forming material to be removed shall be stored within the land shown on the approved drawings as being in the applicant's ownership and shall not be taken off site without the written consent of North Ayrshire Council, as Planning Authority.
9. That the topsoil and soil forming material stockpiles shall be kept free of weeds and shall be seeded to the satisfaction of North Ayrshire Council, as Planning Authority.
10. That within 3 months of the date of the decision, details of measures to prevent and control the emission of dust from the site shall be submitted to, and approved in writing by, North Ayrshire Council, as Planning Authority.
11. That in the event of dust produced by the tipping operations hereby approved or by vehicles passing to and from the site constituting nuisance, measures will be taken by the operator to control the dust emissions to the satisfaction of North Ayrshire Council, as Planning Authority.

12. That all leachate shall be constrained within the site and treated in accordance with the requirements of the Scottish Environmental Protection Agency to the satisfaction of North Ayrshire Council as Planning Authority.
13. That within 3 months of the date of the decision, an assessment of the volume and toxicity of the leachate generated by the current operations at the existing landfill, including an assessment of the risk this may present to natural systems, including a worst case scenario should the containment system fail, shall be submitted to North Ayrshire Council, as Planning Authority for their written approval, which report shall demonstrate that the water treatment proposals are adequate to eliminate any pollution risk.
14. That the operator shall take all necessary measures to control vermin at the site of the operations hereby approved to the satisfaction of North Ayrshire Council, as Planning Authority.
15. That there shall be no burning of material on the site at any time.
16. That within 3 months of a date of the decision, an updated landscape impact assessment supported by a costed programme of mitigation and screening shall be submitted to North Ayrshire Council, as Planning Authority, for their written approval.
17. That any further planting comprised in the approved details submitted under Condition 16 above shall be carried out in the first planting season following the commencement of the development and any trees which, within the lifetime of the operations, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council, as Planning Authority, gives written consent to any variation.
18. That the operator shall seek to ensure that no loose material is carried out onto the C25 public road and any which is deposited shall be removed to the satisfaction of North Ayrshire Council, as Roads Authority.
19. That within 3 months of the date of the decision, confirmation of the separation of the surrounding surface drainage from that draining the operational area, which includes a method of interception and diversion of the existing surface water drainage, shall be submitted to, and approved in writing by North Ayrshire Council, as Planning Authority.
20. That within 3 months of the date of the decision, an updated scheme for the restoration of the site which fully details the backfilling and topsoil replacement operations, the construction of drains, ponds, footways and details of all plant species including their planting density, shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority. This restoration scheme shall be accompanied by a detailed aftercare management plan which shall set out a five year programme of works to ensure the successful implementation of the restoration scheme.

21. That the restoration scheme and aftercare programme submitted under Condition 20 shall be implemented to the satisfaction of North Ayrshire Council, as Planning Authority, in accordance with the approved documents.
22. That within 3 months of the date of the decision, a draft Code of Practice for vehicle movements will be submitted for approval of North Ayrshire Council, as Planning Authority. The draft Code of Practice will include issues listed on page 4 of the letter dated 14th November 2016, submitted by the AED Planning and Development on behalf of the applicant as part of this application. The development will thereafter be carried out in accordance with any Code of Practice agreed by the Council.
23. The types of waste permitted to be deposited on site will be restricted to those permitted by SEPA in the Pollution Prevention Control permit for the site, or any future regulatory permit by the authorised environmental protection body, excluding residual domestic waste. Any changes to the types of waste permitted by SEPA will be forwarded to North Ayrshire Council, as Planning Authority, within 7 days of the change being agreed by SEPA.

4. Call In Request: Isle of Arran: Brodick: Site to the south of Shore Road: Erection of a Detached Dwellinghouse

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Bruce, Gurney and Barr that the application for Planning Permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"Sufficient public interest has been generated at this stage over the re-design of the build".

Councillor Bruce was in attendance and addressed the Committee in support of the call in request. Councillor Bruce referred to representations he had received from Arran residents. Given the level of public interest and in light of recent raised awareness of planning decisions, the application would merit consideration and determination at a public meeting of the Planning Committee, rather than by officers under delegated powers.

Councillor Barr, seconded by Councillor McNicol, moved, in terms of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 and in accordance with the approved call in procedure, that the Committee agree, that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

As an amendment, Councillor Ferguson, seconded by Councillor Steel, moved that the Committee agree not to call in the application and that instead it be determined by officers under delegated powers.

On a division, there voted for the amendment 5 and for the motion 4, and the amendment was declared carried

Accordingly, the Committee agreed not to call in the application and that instead it be determined by officers under delegated powers.

The meeting ended at 4.05 p.m.

NORTH Ayrshire Council

Agenda Item 3

8 February 2017

Planning Committee

Title: **Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Aberdeen Asset Management Scottish Open**

Purpose: To seek approval to undertake public consultation on the proposed Order and report the outcome of this to Scottish Ministers.

Recommendation: That the Committee agree to a) issue a public notice of and consult on the proposed order; b) report the outcome of the consultation to Scottish Ministers; and c) issue a public notice of the Order if it is confirmed by Scottish Ministers.

1. Executive Summary

The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. The Act sets out the statutory duties, obligations and powers of Local Authorities in relation to its delivery. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. The Council's Policy on Section 11 Orders was approved by the Corporate Services Committee in May 2005. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events.

The Aberdeen Asset Management Scottish Open Championship is being held at Dundonald Links between 12 and 16 July 2017. An application has been received from the organiser, the PGA European Tour, for such an Order to facilitate the event. This would exempt the Dundonald Links golf course from the access rights between 26 June and 17 July 2017. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event.

2. Background

The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. It places a reciprocal obligation on landowners and managers to manage their land responsibly for outdoor access. This includes access to woods and forests, grassland, paths and tracks, rivers and lochs and open spaces. The access rights can be exercised for recreation, education and some commercial purposes. Access rights also extend to crossing golf courses provided that the access user does not interfere with golf.

The Act sets out the statutory duties, obligations and powers of Local Authorities in relation to its delivery. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. This can be on application by third party or on their own initiative. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events. Exemption Orders can be for between 1 day and 2 years:

- Short term exemptions for up to 6 days are confirmed by the Local Authority. These are informed by advice from the land owner and Local Outdoor Access Forum.
- Longer term exemptions for between 6 days and two years are confirmed by Scottish Ministers. These require to be the subject of public notice and consultation by the Local Authority.

An application has been received from the PGA European Tour for the exemption of access rights to Dundonald Links Golf Course to facilitate the Scottish Golf Open 2017. The application is provided in Appendix One. This proposes the exclusion of access rights within the area outlined in Appendix Two between 26 June and 17 July 2017. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event. It highlights that there would be difficulties administering a charge without an Order which would affect the viability of the event. This is typically the case for events of this nature including The Open 2016 at Royal Troon.

In processing a Section 11 Order, the Council is required to issue a public notice outlining the intended purpose and effect of the proposed Order inviting objections and representations on the proposal. It is also required to consult with the land owner, the Local Outdoor Access Forum and any other persons deemed appropriate.

The draft public notice and proposals for consultation are detailed in Appendix Three. Any objections and representations received will then be considered and resolved wherever possible. Scottish Ministers then require to be furnished with the details of the consultation undertaken and copies of all objections and representations. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. A public notice would require to be issued confirming the Order at that stage.

3. Proposals

It is recommended that the Committee agree to:

- a) Issue a public notice of and publicly consult on the proposed Order as detailed in Appendix Three;
- b) Report the Outcome of the consultation to Scottish Ministers to enable Ministerial consideration and if appropriate subsequent confirmation of the proposed Order; and
- c) Issue a public notice of the Order if it is confirmed by Scottish Ministers.

4. Implications

Financial:	There are no financial implications arising out of this report. The cost of the two public notices required for the Order will be met by the applicant.
Human Resources:	There are no human resources implications arising out of this report
Legal:	The Order is consistent with the provisions of the Land Reform (Scotland) Act 2003, the Council's Policy on Section 11 Orders and the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance
Equality:	There are no equality implications arising out of this report. An Equality Impact Assessment is not required for the purposes of this report.
Environmental & Sustainability:	There are no environmental or sustainability implications arising out of this report. Any paths or access rights affected by the Order will be reinstated after the event.
Key Priorities:	The event will contribute to the local economy and attract a large number of visitors to the local area. This will contribute to the delivery of the Council's strategic objectives including Growing our Economy, Increasing Employment and Regenerating Towns.
Community Benefits:	There are no community benefit implications arising out of this report. The event will however offer a range of volunteering opportunities for local communities.

5. Consultation

The proposals for consultation are outlined in Appendix Three and are in line with the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Louise Kirk, Active Travel and Transport Manager on 01294 324766

Background Papers

Land Reform (Scotland) Act 2003
Scottish Outdoor Access Code

Appendix 1

For Office Use Only

Reference: LRSAS11DL17

Public Notice (1):

Public Notice (2):

Outcome:



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Application for Short Term Access Rights Exemption Orders under Section 11 of the Land Reform (Scotland) Act 2003

Part 1: Applicant Details

Name of Organisation	PGA European Tour
Contact Name	Chris Atkinson
Contact Address <i>Please include a postcode</i>	European Tour Building Wentworth Drive Virginia Water Surrey GU25 4LX
Daytime Telephone Number	<i>Information redacted</i>

Part 2: Closure Details

Name of Event	Aberdeen Asset Management Scottish Open
Date of Event	10 th July 2017 – 16 th July 2017
Period of Closure	From: 26 th June 2017 To: 17 th July 2017
Reason for Closure	The reason for the closure is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the event. Without this order the public right of access would undermine chargeable entry and could affect the commercial viability of the event.

Please provide justification that the exemption is for the minimum period required below

There is a need to restrict unauthorised access to the course prior to the event to prevent activities that affect the safety and security arrangements for the efficient staging of the event. In the interest of public safety; The European Tour require control of who enters the golf course on this basis.

Tournament participants arrive on Sunday 9th July/Monday 10th July. Participants' security is vital to the event. The European Tour require control of who enters the golf course during these dates. This will also enable access to be restricted to ticket holders and staff.

Location of event	Dundonald Golf Links, North Ayrshire, Scotland
Grid Reference	Northing: 232966 Easting: 635445
Location of Grid Reference	Clubhouse

Please provide a map of the site alongside your application. This should include the location of the site and preferably be Ordnance Survey. SEE ATTACHED

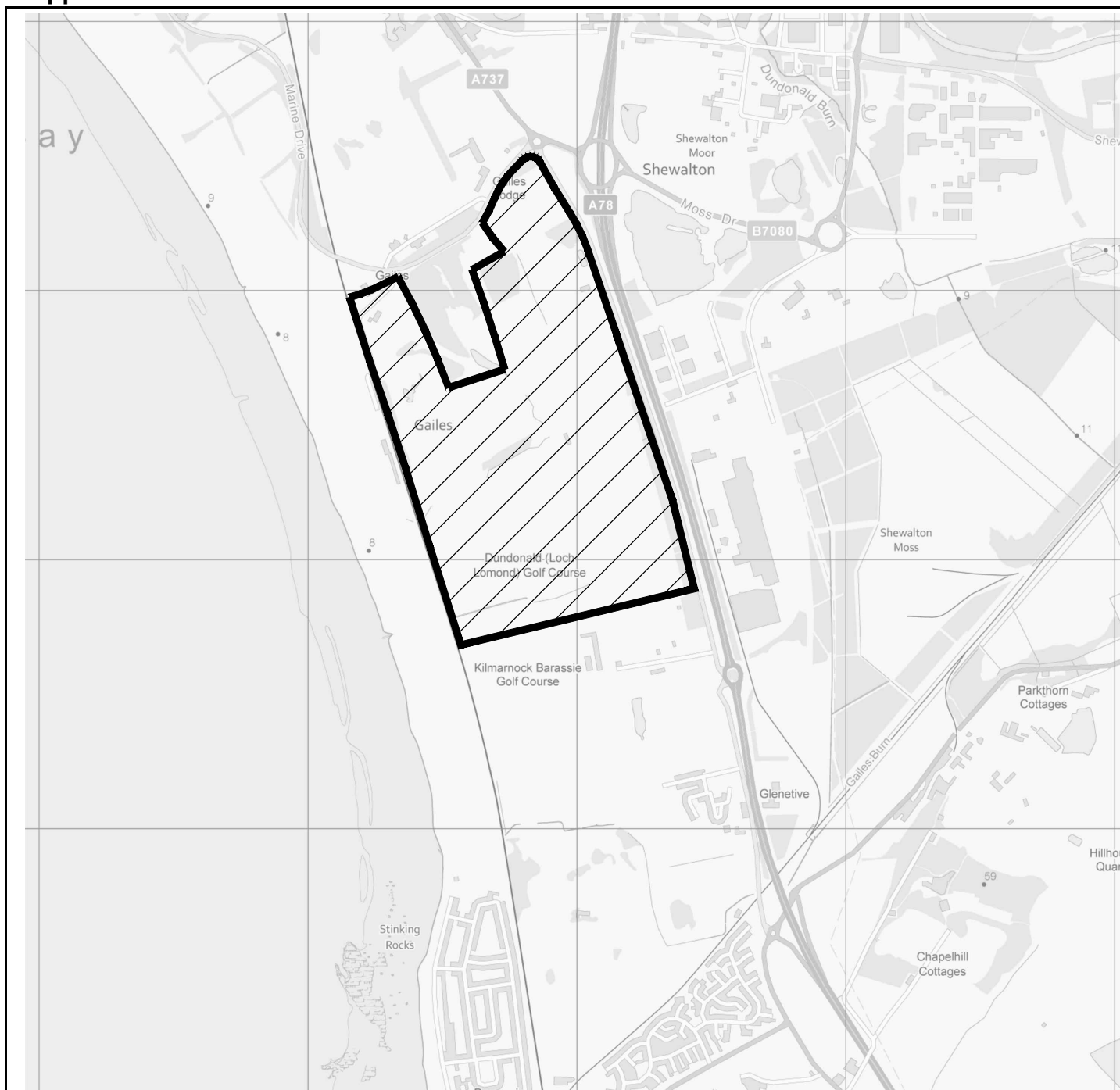
Are you as the applicant the *(please tick the appropriate box)*

landowner	<input type="checkbox"/>	tenant	<input type="checkbox"/>	land manager	<input type="checkbox"/>	Other	<input checked="" type="checkbox"/>
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If other please detail:	Operations Director, Aberdeen Asset Management Scottish Open.			
If you are not the landowner have you consulted them?	Yes	X	No	
If yes, what was the outcome? Please detail below:				
The land is owned by Loch Lomond Golf Course. Liaison with the owner has been on an ongoing basis surrounding all event plans.				
Part 3: Justification for Closure				
Please provide justification that no alternative arrangements could be made below				
The Scottish Open is a major sporting event on the European Tour calendar and as such needs to be staged at a venue that has the infrastructure available to host such a tournament. It is not deemed appropriate to allow access to the venue for non-spectating public during the event due to the negative impact this may have on the security of those in attendance/the event/players. Without this order the public right of access would undermine chargeable entry and could affect the commercial viability of the event.				
Is there local or public support for the event?	Yes	X	No	
If yes, please provide details below				
Liaison with the various local authority, emergency services partners and adjacent land owners has already begun. So far the feedback from those parties has been positive.				
Please detail the proposals for the diversion of access users below				
Diversion for non-motorised users will be to use Core Path IK20 and IK 21 which respectively follow the northern and eastern boundaries of the venue.				
Please detail the proposals for the signage of the closure below				
Signage at nominated entry points to the course to state "Access to course closed under Section 11 of Land Reform (Scotland) Act 2003. All non-motorised users should utilise Core Paths IK20 and IK21. Closure is in effect from Monday 26 th June 2017 through Monday 17 th July 2017 inclusive." This will include a plan outlining the location of the Core Paths.				
Please detail the proposals for the reinstatement of any paths or access rights affected by the closure below				
Agreement will be reached between North Ayrshire Council, relevant landowners and European Tour on existing standard of paths prior to closure commencing and the European Tour agree to re-instate to existing levels on completion of closure.				



Part 4: Declaration	
I confirm that the details provided above are correct	
Name:	Chris Atkinson
Signature	<i>Information redacted</i>
Date	25.01.2017

Appendix 2



SECTION 11 ACCESS
EXEMPTION AREA

Rev.	Date	Description	Drawn	Checked	Approved
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	Project Title:	ABERDEEN ASSET MANAGEMENT SCOTTISH OPEN 2017 DUNDONALD LINKS			 <p>43 George Street, EDINBURGH, EH2 2HT Tel: 0131 225 6741 Fax: 0844 381 4412</p>
	Drawing Title:	SECTION 11 ACCESS EXEMPTION PLAN			
	Scale at A4:	NTS	Status:	INFORMATION	
	Drawn:	MP	Checked:	AG	Approved:
Date:	24.01.17	Date:	24.01.17	Date:	24.01.17
Drawing No.: 116679-2017-101					Revision:

Appendix 3

Scottish Open 2017 Dundonald Links Section 11 Order Consultation Plan

Background

In processing a Section 11 Order, the Council is required to issue a public notice outlining the intended purpose and effect of the proposed Order. This requires to invite objections and representations on the proposal. The Council is also required to consult with the land owner, the Local Outdoor Access Forum and any other persons deemed appropriate. Any objections and representations received then require to be considered and resolved wherever possible.

The Council is then required to furnish Scottish Ministers with the details of the consultation undertaken and copies of all objections and representations. Scottish Ministers will then consider any objections or representations prior to confirming the Order. They may also cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. At this stage the Council is required to issue a further public notice confirming the Order.

Consultation Proposals

The table below outlines the proposed timing for the actions required to process the application. Further information on the actions is provided thereafter.

Action	Date(s)
Issue public notice of intended purpose and effect of the proposed Order	Week ending 17 February 2017
Representation and objection period	17 February until 10 March 2017
Direct consultation on the proposed Order	17 February until 10 March 2017
Consider representations and objections	13 March until 17 March 2017
Resolve objections where practical	13 March until 24 March 2017
Refer to Scottish Ministers	Week commencing 27 March 2017
Issue public notice confirming the Order where appropriate	Week commencing 29 May 2017 or as instructed by Scottish Ministers

Public Notice

The wording in italics is proposed for the public notice. This is based on the Land Reform (Scotland) Act 2003 (Modification) Order 2013 Guidance. The notice will be placed within the Irvine Times and Irvine Herald newspapers and outlines the intended purpose and effect of the proposed Order.

North Ayrshire Council

NOTICE OF PROPOSED ORDER TO EXEMPT LAND FROM ACCESS RIGHTS

Notice is hereby given under section 11(2)(b) of the Land Reform (Scotland) Act 2003 ("the Act") that North Ayrshire Council proposes to make The Land Reform (Scotland) Act 2003 (North Ayrshire Council) (Dundonald Links) Order 2017 ("the Order") under section 11(1) of the Act.

The effect of the Order will be to exempt Dundonald Links Golf Course from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act.

The purpose for which the Order is being proposed is the Aberdeen Asset Management Scottish Open Championship and all purposes related thereto. This includes enabling a charge to be made for admission and providing for public safety and security prior to, during and after the event. It is proposed that the Order will take effect from 0001hrs on 26 June 2017 and will expire on 2400hrs on 17 July 2017.

Objections or representations in respect of the Order may be made to the Local Authority at the address given below, for its consideration, no later than 21 days after publication of this notice. These should be made in writing for the attention of the Active Travel and Transport Team quoting the reference: LRSAS11DL17. In the case of objections, the grounds on which they are made should be stated. As the proposed exemption is for six or more days, the Order will require confirmation by Scottish Ministers before taking affect.

Andrew A Fraser
Head of Democratic Services
North Ayrshire Council,
Cunninghame House,
Irvine,
KA12 8EE

Representation and Objection Period

A three week consultation period is proposed for any representations and objections between 17 February and 10 March 2017. These will require to be made in writing and in the case of objections detail the grounds on which they are being made.

Direct Consultation on the proposed Order

The consultation will be comprised of a letter highlighting the consultation process and will inviting them to submit any representations or objections in the same manner. This will include a copy of the Public Notice and plan outlining the extent of the land proposed for exemption. This will be issued to the recipients detailed in the table below. This aims to consult with relevant local organisations and the neighbouring landowners, householders and businesses.

Organisation	Reason for consultation
1 to 17 Auchengate Crescent	Neighbouring householders
Auchengate Smallholdings	Neighbouring householders
Businesses at Meadowhead Industrial Estate	Neighbouring businesses
Gailes Hotel	Neighbouring business
Glasgow Gailes Golf Club	Neighbouring landowner
Irvine Community Council	Local Community Council
Irvine West and Irvine East Ward Councillors	Local Elected Members
North Ayrshire Outdoor Access Forum	Local Outdoor Access Forum
North Gailes Country Club	Neighbouring business
Ramblers Association	National walking organisation with local groups
Scottish Wildlife Trust	Neighbouring landowner
Scottish Rights of Way and Access Society	National organisation/local representation
Sustrans Scotland	Promoters of the National Cycle Network (NCN) which passes the site
Western Gailes Golf Club	Neighbouring landowner

Referral to Scottish Ministers

Scottish Ministers will be furnished with the details of the consultation undertaken and copies of all objections and representations. This will include a summary of any actions undertaken to resolve any of the objections received. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so.

Confirmation Public Notice

If the Order is confirmed by Scottish Ministers it is proposed that the following public notice will be issued. The text shadowed grey will require to be amended on receipt of confirmation from Ministers.

North Ayrshire Council

NOTICE OF ORDER TO EXEMPT LAND FROM ACCESS RIGHTS

Notice is hereby given under section 11(9) of the Land Reform (Scotland) Act 2003 ("the Act") that on [insert date of Ministerial confirmation], the Scottish Ministers acting under section 11(7) of the Act confirmed the The Land Reform (Scotland) Act 2003 (North Ayrshire Council) (Dundonald Links) Order 2017 ("the Order") [with/without modifications], proposed by North Ayrshire Council under section 11(1) of the Act.

The effect of the Order is to exempt Dundonald Links Golf Course from the access rights which would otherwise be exercisable in respect of that land by virtue of Part 1 of the Act. The purpose for which the Order is made is the Aberdeen Asset Management Scottish Open Championship and all purposes related thereto. This includes enabling a charge to be made for admission and providing for public safety and security prior to, during and after the event.

The Order will take effect from 0001hrs on 26 June 2017 and will expire on 2400hrs on 17 July 2017, unless revoked earlier.

*Andrew A Fraser
Head of Democratic Services
North Ayrshire Council,
Cunninghame House,
Irvine,
KA12 8EE*

NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

8 February 2017

Locality

Arran

Reference

16/01233/PP

Application

6 January 2017

Registered

Decision Due

5 March 2017

Ward

Ardrossan and Arran

Recommendation	Grant as per Appendix 1 subject to no significant objections being received before the 10th February 2017
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Location	Site to South of Largiemeanoch Whiting Bay Isle of Arran
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Applicant	Mr Michael Taylor Dippenhead Farm Dippenhead Isle of Arran KA27 8RJ
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Proposal	Deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction
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1. Description

The property is a relatively modern bungalow, located on the eastern side of the C147 Shore Road at Largiemeanoch, approximately 490 metres to the south of the settlement boundary of Whiting Bay. The dwellinghouse is set back from the road by approximately 20 metres and is screened by landscaping along the western (front) boundary of the site. The site covers an area of approximately 0.19 ha. Planning permission was granted for the dwellinghouse on the 24th June 2002 (ref. N/02/00072/PP). The applicant seeks the removal of Condition 1 of the planning permission., which states:

"That the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 277 of the Town and Country Planning (Scotland) Act 1997 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person."

In support of the current planning application, the applicant has advised that the planning consent granted in 2002 was accompanied by a Labour Requirement Report indicating that Dippenhead Farm covered an area of some 121 ha, which was the area covered and operated by the holding at that time. Over the intervening years, owing to advancing years and health issues, the operations at the farm have decreased significantly and, as a result, the applicant has sold off the majority of the farmland to adjoining land owners and farmers. The farm now covers an area of 21 ha. The applicants wish to be in the position to sell the building without the restrictive agricultural occupancy condition attached to it which is considered by them to be no longer relevant given the small area of land remaining in their ownership. Given the most recent Scottish Government advice, within Scottish Planning Policy 2014, and the Local Development Plan policies, the applicant considers that this planning application should be supported.

The application site lies within an area of countryside as identified within the adopted Local Development Plan and is unaffected by any site specific policies or proposals therein. Policy ENV2 (Housing Development in the Countryside), indicates that for housing for workers engaged in a rural business, that there is a general presumption against development in the countryside which is not related to an appropriate rural business, such as agriculture, forestry or other operations provided for under Policy ENV1. Policy ENV2 indicates that any new housing in the countryside for workers engaged in a rural business requires justification that there is a genuine operational need for a worker to live on site in pursuance of an established rural business. All development proposals require to be assessed against the relevant criteria of the General Policy of the LDP.

2. Consultations and Representations

Neighbour notification was not required and the application was advertised in the local press on the 20th January 2017. In response neither any objections nor representations have been received.

Arran Community Council - no comment.

3. Analysis

This application relates to a request to remove an agricultural occupancy condition for a dwellinghouse which received planning permission in 2002. In terms of the removal of occupancy conditions, the following points can be considered to be material considerations:

- (a) the dwellinghouse has been in situ since 2005 (completion certificate issued on the 16th September 2005), with the planning condition in force during that time, and has now served its planning purpose;

- (b) in terms of substantial change in circumstance, the Scottish Government guidance in relation to the use of such conditions has changed in recent years and the use of such occupancy restrictions is not promoted;
- (c) the submission indicates that the majority of the farm has been sold to adjoining land owners and farmers and the farm now covers an area of 21 ha. The applicant no longer requires the dwellinghouse for an agricultural worker. The applicant wishes to be in a position to sell the dwellinghouse without the restrictive agricultural occupancy condition.

Whilst there has not been any evidence submitted in respect of any attempts to dispose of the property on the open market with the occupancy restriction, for the reasons given above, it is recommended that the occupancy restriction, contained within Condition 1 of planning approval N/02/00072/PP, should be removed.

In terms of the General Policy of the LDP, it is considered that the proposal would offer an acceptable level of residential amenity. In terms of siting and design, the dwellinghouse is within an existing group of rural houses, is set back from the road by approximately 20 metres and is screened by vegetation along the western (front) boundary of the site. The design of the dwellinghouse is considered to be acceptable for its countryside location.

There are no other material considerations to address and accordingly planning permission can be approved subject to no significant objections being received before the 10th February 2017.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
16 January 2017

For further information please contact Julie Hanna , on 01294 324330

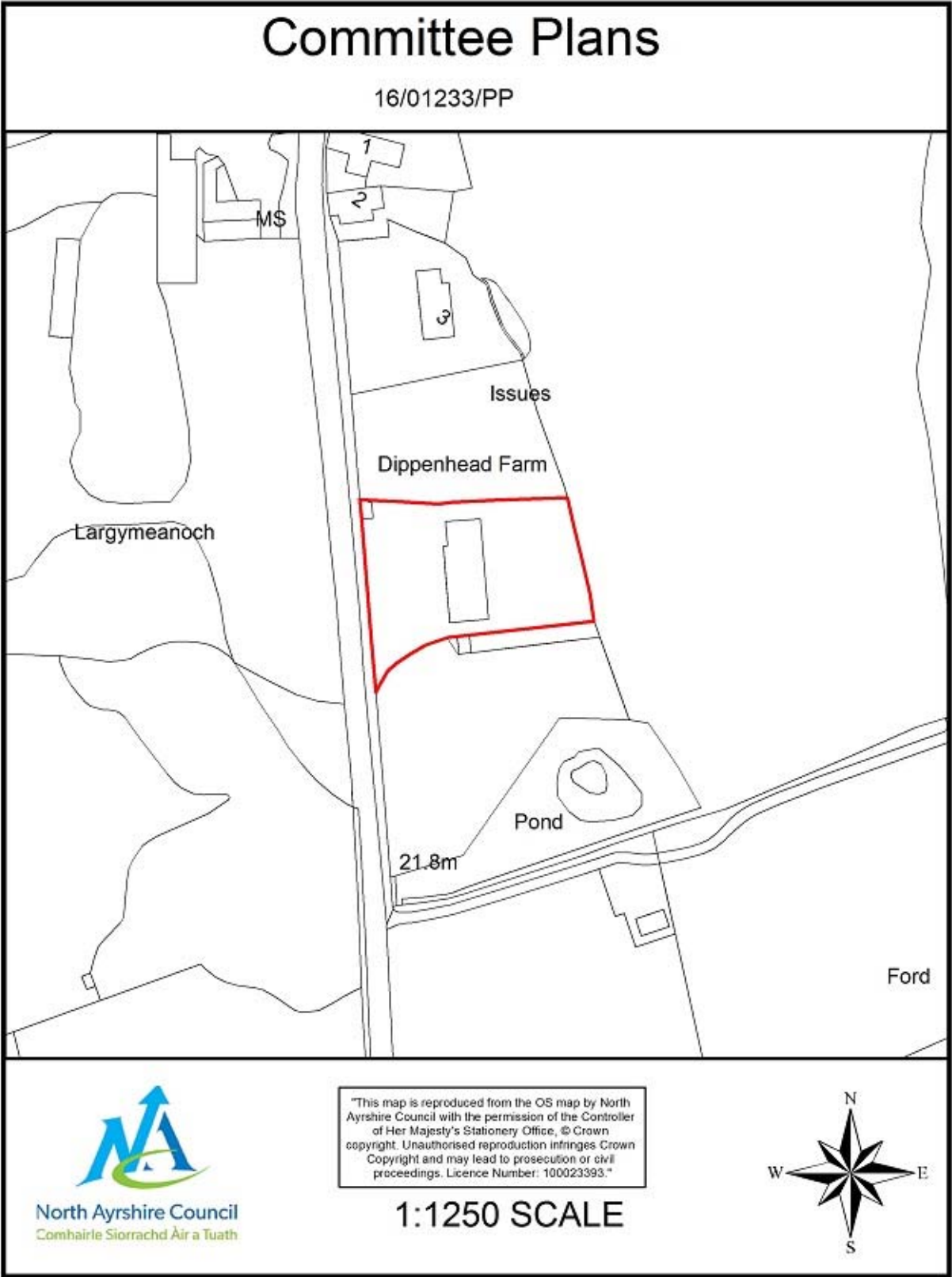
APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/01233/PP

Grant subject to no significant objections being received before the 10th February 2017.

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 5

Planning Committee

8 February 2017

Locality

Three Towns

Reference

16/01186/PP

Application

15th December 2016

Registered

Decision Due

15th February 2017

Ward

Ardrossan and Arran

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

LocationSite To South West Of, Ardrossan Park Parish
Church, Dalry Road, Ardrossan Ayrshire**Applicant**CTIL & Vodafone Limited
Vodafone House
The Connection
Newbury
Berkshire
RG14 2FN**Proposal**Installation of 17.5m high streetworks monopole
accommodating 3 no antennas and 2 no 0.3m
transmission dishes within a GRP shroud; 2 no
equipment cabinets and 1 meter cabinet.

1. Description

The application is for the erection of a grey coloured 17.5m monopole mast together with 2 no. equipment cabinets and 1 meter cabinet at the heel of the footpath. The site is located within a residential area in the Adopted Local Development Plan (LDP). The proposal requires to be assessed against the supplementary guidance on telecommunications masts and the General Policy. The application includes an ICNIRP declaration, confirming that the proposed installation will operate within industry guidelines in terms of electromagnetic emissions.

Planning permission ref. 08/00888/PP was refused in March 2009 for a 14m high monopole on the site. The decision was subsequently overturned on appeal by the Scottish Ministers in January 2010 (ref. PPA/310/207), subject to a condition that the mast and apparatus would be removed upon becoming redundant or obsolete, with the ground then reinstated to its former condition. The consent was not implemented.

2. Consultations and Representations

The standard neighbour notification procedure was carried out and the application advertised in the local press on 4th January 2017. There has not been any representations received, and consultations were not required.

3. Analysis

There are not any Local Development Plan policy implications arising from the proposal. The proposal requires to be considered against the criteria of the Supplementary Guidance on Telecommunications Masts, as follows:

- (a) the development is not located in a manner that would be prejudicial to the proper planning of the area:

The proposed mast would be located on an adopted footpath on a main arterial road.

- (b) the visual impact of the proposal on the townscape and natural environment is acceptable:

Planning permission on appeal has previously been granted for the erection of a monopole at this location. The site is located at the heel of the footpath, directly opposite a roundabout with the backdrop of mature trees in the former Stanley Primary School site, which are approximately 13 – 15 metres high. Residential properties are located approximately 60 metres to the west and further away to the north and east. Planning consent was recently approved for the erection of 28 residential units on the former Stanley Primary School site (ref. 16/00837/PP). These units would be closer to the proposed units but would be located beyond the trees and would not directly overlook the application site. The proposal would be acceptable at this location.

- (c) there is no negative cumulative visual impact of the development with existing apparatus:

There are not any other telecommunications installations in the immediate locality.

- (d) the applicant has demonstrated that alternative sites have been investigated:

The applicant has demonstrated that other sites would not provide the desired coverage of 4G. There are not any other sites or buildings which could accommodate the development.

(e) the possibility of shared operational facilities has been considered:

The applicant has indicated that the proposal would be shared between two operators.

The Supplementary Guidance on Telecommunications Masts also states that the Council may attach site restoration conditions following the site becoming redundant. An appropriate condition would address this matter. It is considered that the proposed development satisfies the criteria of the Supplementary Guidance on Telecommunications Masts.

The proposal also requires to be assessed against the General Policy of the Local Development Plan, the relevant criteria being (a) Siting, Design and External Appearance and (b) Amenity. For the reasons given above, the impact of the proposed development is considered to be acceptable at this location and there would not be any significant detrimental impact on the visual amenity of the area. The applicant has provided an ICNIRP declaration, confirming that the proposed installation will operate within industry guidelines in terms of electromagnetic emissions. There are not any other material considerations. It is recommended that planning permission be approved subject to a condition requiring the removal of the installation upon it becoming redundant.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
12 January 2017

For further information please contact Ross Middleton, Senior Development Management Officer , on 01294 324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/01186/PP

Grant subject to the following conditions:-

1. That within six months of becoming obsolete or redundant the mast, antennas and equipment cabinets shall be removed and the site reinstated to its previous condition to the satisfaction of North Ayrshire Council as Planning Authority.

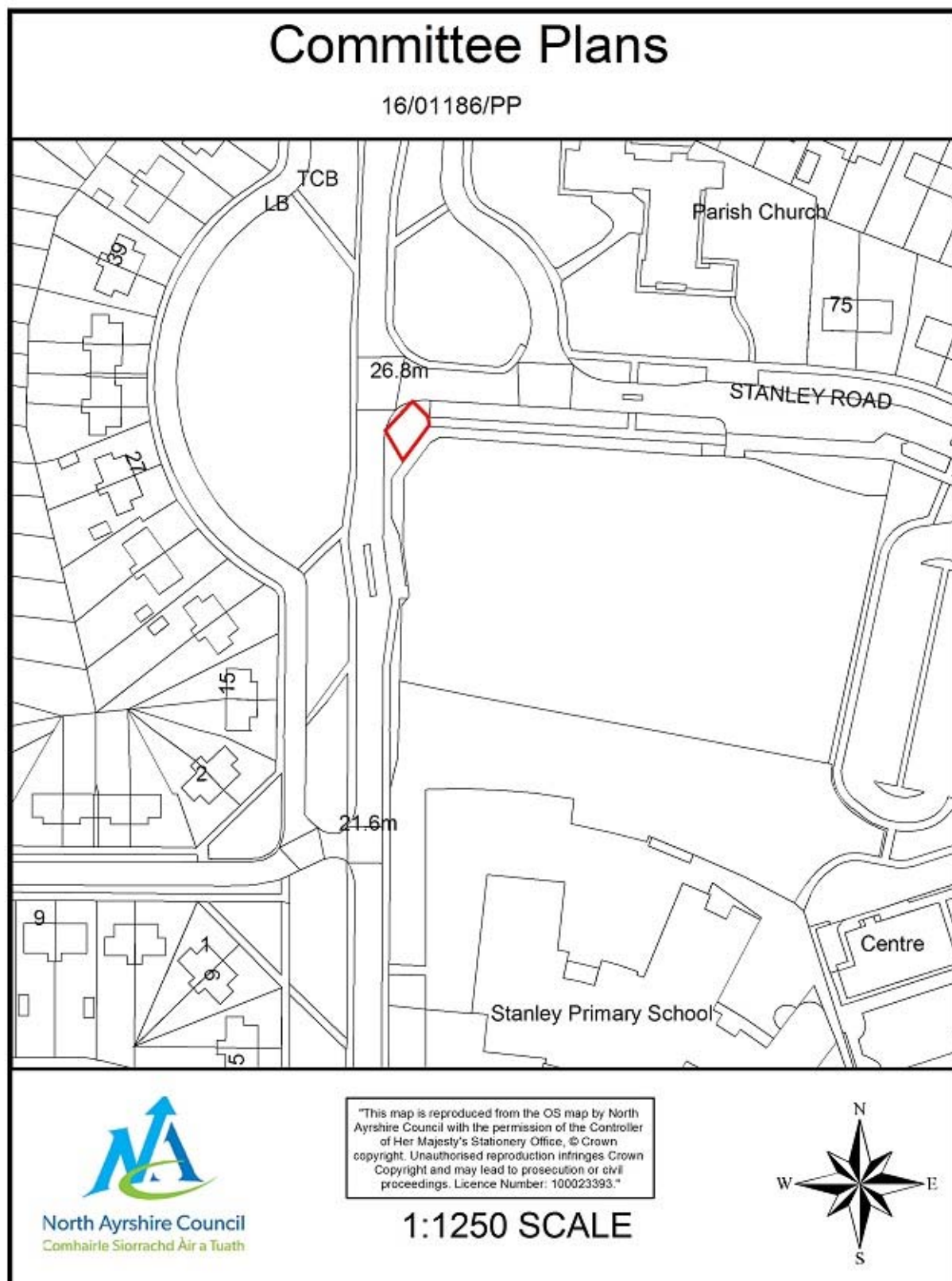
The reason(s) for the above condition(s) are:-

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

Reason(s) for approval:

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

Location Plan



NORTH AYRSHIRE COUNCIL

Agenda Item 6

Planning Committee

8 February 2017

Locality

Kilwinning

Reference

16/01162/PPM

Application

2nd December 2016

Registered

Decision Due

2nd April 2017

Ward

Kilwinning

Recommendation	Grant with Conditions contained in Appendix 1
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Location	Site to north of Corsehillhead Farm, Kilwinning
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Applicant	Cunninghame Housing Association, 82 Glasgow Street Ardrossan
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Proposal	Erection of residential development providing 64 new dwellings, together with associated parking, landscaping and services infrastructure
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1. Description

Planning permission is sought to erect 64 dwellings on an area of land north of Corsehillhead Farm, Kilwinning, to the west of Weirston Road. The 2.12ha site was allocated for affordable housing under Policy RES 4 of the Local Development Plan, adopted by the Council in May 2014. The land is currently in agricultural use.

The development, which is in the Major applications category, would feature a range of flats and houses of varying size, all of which would be owned and managed by the applicant. The development would consist only of 2 storey buildings, finished mainly using white coloured render with feature gables clad using dark coloured vertical boarding marking 'gateway' points within the site. The design of the development is based on a modern interpretation of rural Scottish architecture in recognition of its semi-rural setting at the edge of Kilwinning.

The main access would be taken from a new road leading from Weirston Road, at a position towards the northern end of the site frontage. Houses facing onto Weirston Road would have their own independent driveways that would cross over a new length of public footway. It is proposed to reduce the speed limit on the section of Weirston Road which the development adjoins from 60mph to 30mph.

The site layout would be loosely based on a street block system with interlinking paths and roads as per the principles of Designing Streets. Houses would typically have front and rear gardens with curtilage parking where possible, and the flatted blocks would be set in communal grounds. Visitor parking spaces have also been proposed within the site. One main area of public open space for children's play, as well as a landscaped pathway and numerous areas of amenity planting, have been proposed. One pedestrian only route would be formed at the south east of the site leading onto Weirston Road. Provision has also been made within the layout for a future pedestrian access route leading south to Corsehill across the remaining area of the affordable housing allocation in the adopted LDP. A detention basin for SuDS (Sustainable Drainage) purposes would be formed at the south east corner of the site.

The site is located to the east of Kilwinning and is adjoined to the north and west by existing 2 storey housing within the Corsehill housing estate. To the north east is a linear group of housing in a variety of designs and age. To the east is an area of woodland on the edge of Eglinton Country Park. There is an existing footpath connection into this area. To the south of the site is a working farm, Corsehillhead, the steading of which occupies an extensive area. To the south west, a strip of land also allocated for housing development in the LDP would be retained by the Council for a future housing development project.

As a major development, the application was subject to pre-application consultation with the public. In addition, a processing agreement was entered into between the applicant and the Council, the main purpose of which was to agree to determine the application during February 2017. In support of the application are a Pre-application Consultation (PAC) report, Design and Access Statement, Ground Investigation Report and Ecology Report.

The proposal requires to be considered in relation to Policy RES 4 and Policy PI 1 (Walking, Cycling and Public Transport). In addition, the Neighbourhood Design Guidance and Open Space Policy are both of relevance. In common with all planning applications, the proposal also requires to be considered in terms of the General Policy.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, which included the publication of a notice in a local newspaper on 23rd December 2016. Four letters of representation have been received, with the points raised summarised below:

1. No objection in principle, however, it is not considered that the proposed layout is suitable with respect to houses fronting directly onto Weirston Road and accessed directly via driveways. This design is not considered 'child friendly' and would lead to the loss of a mature hedgerow which bounds the field.

Response: The proposed layout was subject to detailed discussion with the applicant over a number of months and an earlier version was presented at the public event during August 2016 to enable feedback to be provided at that stage in the planning process. It is considered that the proposed layout would accord with the principles of Designing Streets, which places far greater emphasis on the creation of place rather than vehicle movement in new developments. Designing Streets is a Scottish Government planning policy dating from 2010 which is now actively being used by North Ayrshire's Planning Service for new housing developments. Whilst the loss of the mature hedge is regrettable, it is considered that integration of the new housing layout with the established pattern of development in the existing housing estate is the most appropriate response to this issue. Considerable discussion took place with the applicant as to whether or not the hedge could be retained. The applicant has offered the following comment with regard to the loss of the hedge:

"our proposals in their current form would see the verge and hedge omitted, and a replacement of a comparable specification introduced in the relevant areas (nominally between the parking bays as reflected on our site layout). We would also look to specify a hedge of a more mature nature from the outset, so that the time for the new boundary to be established is minimised to a degree. In addition, we would have concerns that, in the event of us adopting an approach where the hedge could be retained, it would be difficult (if not impossible) to protect the hedge for the duration of the works given the extent of groundworks required in this area – the formation of the footpath and regrading of the front gardens would all have an impact, notwithstanding the usual issues associated with a construction site. In addition, given the height and 'bulk' of the existing hedge, this would need to be reduced in height in order that appropriate sightlines can be achieved from the new road and driveway accesses. There is a risk that this could damage the hedge to the extent that it is no longer viable - although in the event this was an option we would have to take specialist advice."

The provision of a replacement hedge would be subject to a planning condition. Finally, it is considered that the development layout as proposed would provide various opportunities for children's play within the site itself, as well as suitable links to the surrounding area via the pedestrian footway network.

2. There is currently an issue of on-street parking in front of the existing houses at the north end of Weirston Road. This narrows the effective width of the road near its junction with Fergushill Road. It is also noted that Weirston Road and Bannoch Road acts as a 'rat run' or 'short-cut' between the Corsehill area and Irvine Road. The proposed development would result in further issues with on-street parking and road safety as a consequence of increased traffic levels.

Response: It is noted that some of the existing houses at Weirston Road have driveways, whereas several others do not. However, it is also noted that the houses have adequate space within their respective curtilages to form a driveway or off-street parking area should they wish to do so. There are no parking or waiting restrictions on Weirston Road, and there is no proposal to change this situation. It is not considered that the development requires to be amended as a consequence of this situation.

With regard to the use of Weirston Road as a short-cut, it is noted that the national speed limit of 60mph currently applies along the length of road south of the existing housing. Discussions have taken place with NAC Roads with respect to the promotion of a reduction in the speed limit to 30mph along the frontage of the proposed development site. In addition, traffic calming measures for this section of Weirston Road are required by NAC Regeneration (Transportation), the details of which would be addressed within the Road Construction Consent (RCC) process.

3. It is suggested, as an alternative, that the proposed layout is amended by rotating blocks 1 - 4 so that their rear elevations back onto Weirston Road. This would enable the mature hedgerow to be retained, would enable the development to be more 'child friendly' and would continue to allow existing residents to park safely on Weirston Road. A path connection could be formed to allow pedestrian movement to/from the development.

Response: For the reasons given above, it is not considered that a layout which 'turns its back' onto Weirston Road would be compatible with the principles of Designing Streets, since this would place movement above place. As well as the implications for the visual relationship of the new housing with the existing housing, traffic speed reductions are less likely to be achieved in a layout with no active frontage and a single point of access. The intention of the proposed layout is to create a logical extension of the existing pattern of development on Weirston Road with active frontages rather than a new development which appears disconnected with the existing housing estate. It is also considered that the proposed layout would be more welcoming and provide an attractive edge to the built-up area of Kilwinning.

4. The developer's ecology study states that the development of the site should "focus on maintaining a stand-off distance (at least 5m from boundary hedgerow features. It is clear that an ambition to squeeze as much development as possible onto the site has resulted in a layout which completely removes the mature hedgerow on Weirston Road, which would destroy the "linking green infrastructure" which the applicant's ecology study advises should be enhanced.

Response: The Ecology Survey confirms that the habitats within the site are not of significant ecological value, reflecting the agricultural use of the land. Whilst the report advises that grassland margins and hedgerow features should be retained where possible, the survey does not advocate any changes to the layout as proposed. Instead, it provides recommendations for compensatory measures through the planting of new hedgerows with similar species (eg. hawthorn with occasional dog rose and bramble). Only the hedgerow along Weirston Road would be completely removed; hedgerows along other boundaries (eg. at the south west) would not be affected. As noted above, the provision of a replacement hedge on Weirston Road would be subject to a planning condition. There are other opportunities for native planting within the site itself.

5. The proposed amendments to Weirston Road are wholly inadequate. The additional traffic would make the road very dangerous. The traffic calming should extend past the site to its junction with Corsehill. A pedestrian footway should also connect up the proposed new length of footway on Weirston Road to its junction with Corsehill. From there, there is a pedestrian footpath leading to the A737 Irvine Road. There should also be another pedestrian access to provide a link into the Corsehill community, eg. between 10 and 12 Moncur Road.

Response: The detailed design for traffic calming would take place at RCC stage. It is considered that the proposed reduction in speed limit would help to reduce safety concerns regarding traffic speeds. The provision of a pedestrian footway south of the development towards Corsehill is not required to serve the proposed development, and, whilst desirable, the potential for a pedestrian link through to Moncur Road is not possible due to land ownership constraints. As noted above, it is proposed to form a connection onto the adjacent site to the south west, from where a pedestrian link to Corsehill could be provided.

6. There is a working farm adjacent to the development site. Prospective tenants of the new housing should be aware of this to avoid future conflict.

Response: Noted. This is a matter considered by Environmental Health, who raised no objections.

7. There is concern as to whether the new boundary fence between the farm and the housing would be substantial enough. The fence should be situated 6m from the farm steading.

Response: There would be a rear garden boundary set back around 4m from the site boundary. There are existing farm sheds within 1m of the site boundary. A new boundary fenceline would be formed to the rear of the houses, with any existing fencing at the farm retained and kept separate. Details of boundary treatments would be submitted as part of the planning conditions.

Consultations

NAC Regeneration (Transportation) - no objections. The proposed traffic calming feature on Weirston Road requires to be a physical narrowing rather than the road marking detail shown. The detail will be finalised through the RCC process. The proposed internal street layout is acceptable. The courtyard area to the front of Plots 31 to 42 and the footway to the rear of Plots 1 to 4 and Plots 5 to 12, which is necessary for drainage purposes, is not necessary for movement purposes and therefore will not be considered for adoption. Finally, the proposed development requires that the 30mph speed limit on Weirston Road shall be extended to cover the extents of the development (ie. a reduction from the current 60mph limit). Costs for promoting and implementing this order shall be at the applicants' expense.

Response: Noted. An informative can be attached to address the above requirements.

NAC Environmental Health - no objection subject to a range of standard comments regarding environmental pollution during construction operations. Of those relevant to planning, it is recommended that a ground gas remediation strategy is prepared and that any unsuspected contamination of the ground shall be brought to the attention of the Council and remediation measures presented for approval.

Response: Conditions can be attached to require the various matters raised in the ground investigation report to be implemented as part of the development, including ground gas emissions and any unsuspected contamination. Environmental Health has written directly to the applicant regarding other matters which fall within their remit.

The Coal Authority - no objection subject to a condition regarding the need for appropriate remedial measures in the form of preparatory groundworks involving drilling and grouting. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Ground Investigation Report (dated June 2016, produced by Johnson, Poole & Bloomer), which incorporates the Coal Mining Risk Assessment for this development, which correctly identifies that the application site has been subject to past coal mining activity.

Response: A condition can be attached to address the treatment of historic coal workings in addition to the other matters raised in the submitted ground investigation report.

West of Scotland Archaeology Service - recommend that an archaeological investigation of the site takes place before the development commences.

Response: The applicant is agreeable to this request. A condition can be attached to meet the requirements of WSAS.

Kilwinning Community Council - no comments.

Scottish Water - no comments.

Scottish Wildlife Trust - no comments.

3. Analysis

As noted above, the site was allocated for housing development in terms of Policy RES 4 in the adopted LDP. The principle of housing development has therefore been established. The assessment of the application requires to take into account Policy PI 1 and the General Policy. In terms of PI 1, which relates to "all development proposals which will result in significant trip generation," applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users by demonstrating that:

- (a) the proposals reflect the principles of 'Designing Streets' where applicable.
- (b) at an early design stage, consideration has been given to likely desire routes which shall inform the design of the development;
- (c) connectivity is maximised within and to the development site by providing direct routes to wider path networks where possible;
- (d) any paths through the site are clearly signposted, well lit and where possible overlooked.

Following the pre-application public consultation event in August 2016, discussion took place with Transportation officers with regard to the site layout during Autumn 2016. Various options were considered, resulting in the proposal which has now been submitted. NAC Regeneration (Transportation) has no objections to the submitted layout.

At present, there is no pedestrian footway along the site frontage with Weirston Road. A new footway requires to be provided and is illustrated on the submitted plans. In addition, provision for a future footpath link south to Corsehill has also been identified. Within the site itself, the street block plan would enable connectivity around the site. As noted above, it is proposed to reduce the 60mph speed limit on Weirston Road to 30mph over the extent of the development. This measure would be accompanied by appropriate traffic calming and street lighting, the details of which would be addressed during the RCC process.

Criterion (e), (f) and (g) are not applicable to this proposal. In summary, it is considered that the proposal is satisfactory in terms of Policy PI 1 since the site is capable of being well integrated into the existing road and footpath network in the town.

In terms of the General Policy, the relevant criteria are as follows:

(a) Siting, Design and External Appearance

The site consists of gently undulating ground. The development would consist of rows of housing arranged in a street block pattern which adopts the principles of Designing Streets. The Design and Access Statement provides a justification for the layout, housing design and explains the design process in arriving at the submitted development proposal. The Weirston Road area of the development would benefit from easterly views out of the site towards established woodland and there would be passive surveillance within the streets. The house designs which have been proposed are considered satisfactory in terms of siting, design and external appearance. Conditions 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

The proposed development would have a satisfactory standard of amenity and open space. The development would not result in overlooking of any existing housing and the separation distances would be adequate. Despite the loss of the mature hedgerow on Weirston Road, there would be intervening areas of retained trees and hedgerows along some of the boundaries, with extensive new planting provided throughout the site and on Weirston Road. Details of landscaping would be addressed by condition. A condition regarding the implementation of the recommendations contained in the Ecology Report could also be attached, since it has relevance to the proposed landscaping works and overall amenity of the development. It is considered that the proposal is satisfactory in terms of criterion (b).

(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 as far as possible. Adequate parking provision has been proposed to serve the proposed development. It is proposed to reduce the existing 60mph speed limit and introduce traffic calming on Weirston Road. It is considered that the proposal is satisfactory in terms of criterion (d).

(g) Infrastructure and Developer Contributions

In respect of play facilities, an appropriately designed play area to serve the development would be provided within the site and managed by CHA. Water and sewerage infrastructure has been designed to meet the requirements of Scottish Water for adoption purposes. It is considered that the proposal is satisfactory in terms of criterion (g).

In terms of other material considerations, the Neighbourhood Design Guidance and the Council's Open Space Policy are of relevance.

With respect to the Neighbourhood Design Guidance, it is considered that the application is an appropriate response to a greenfield site on the edge of Kilwinning for the reasons give above. The site would be well designed and integrated with the surrounding area, and would benefit from the proposed landscaped setting, adequate walking links to public transport within the existing housing estate and local facilities in Kilwinning.

In order to address the Council's Open Space Policy, an area of landscaped open space with play facilities is proposed. Several other landscaped amenity spaces have been proposed throughout the site which would enhance the overall development. The site would also benefit from its proximity to Eglinton Country Park and existing greenspace within the Corsehill area, both of which can be reached on foot or cycle. Conditions could be imposed with respect to the specification and future maintenance for the open space and landscaped areas within the development.

There are no other material planning considerations. In summary, the proposal accords with the provisions of the LDP and would result in a positive development for the area, resulting in the development of new housing following site release through the LDP process. Planning permission should be granted subject to conditions.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
9 January 2017

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/01162/PPM

Grant subject to the following conditions:-

1. That the existing tree/hedgerow belt along the south western site boundary shall be retained. Prior to any site operations, details of tree/hedgerow protective fencing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the protective fencing as may be approved shall be erected for the duration of all site excavations, land engineering and construction operations until the completion of the development and to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, hereby approved, the developer shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation for submission by the applicant and approved by North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service. 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 North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service.
3. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ground Investigation Report by Johnson Poole & Bloomer dated April 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ecology Report by Applied Ecology Ltd dated November 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.
5. 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). 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.
6. 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.
7. That, prior to the erection of any of the dwellinghouses hereby approved, details of all bounday treatments within the development, including:

- plot boundaries,
- site perimeter boundaries, to include the replacement hedgerow on Weirston Road,
- boundaries around the open space and
- boundaries around the SuDs area

shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all means of enclosure as may be approved shall be erected prior to the occupation of each dwellinghouse, prior to the open space being made available for use and prior to the use of the SuDS area for surface water management, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the erection of any of the dwellinghouses hereby approved, a scheme of hard and soft landscaping for the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority as follows:

(a) hard landscaping details shall be presented on a plan of the site with accompanying drawings/specifications together with details of long term management/maintenance.

(b) soft landscaping details shall be presented on a plan of the site showing areas to be turfed, grass seeded or planted with shrubs/trees together with an accompanying schedule providing comprehensive details of soil treatment, the planting specification, phasing, aftercare and long term management/maintenance.

Thereafter, the landscaping works shall be implemented only in accordance with such details as may be approved and fully completed in tandem with each successive phase of development to the satisfaction of North Ayrshire Council as Planning Authority. Any plants, trees or shrubs which subsequently die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species until the landscaping is established to the satisfaction of North Ayrshire Council as Planning Authority.

9. 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 and landscaping 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 8 above.

10. That, prior to the occupation of any of the houses within blocks 1 - 4, the grass verge adjacent to Weirston Road shall be replaced with a 2m wide pedestrian footway which shall connect the development to the existing footway adjacent to 12 Weirston Road to the satisfaction of North Ayrshire Council as Planning Authority.

11. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

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

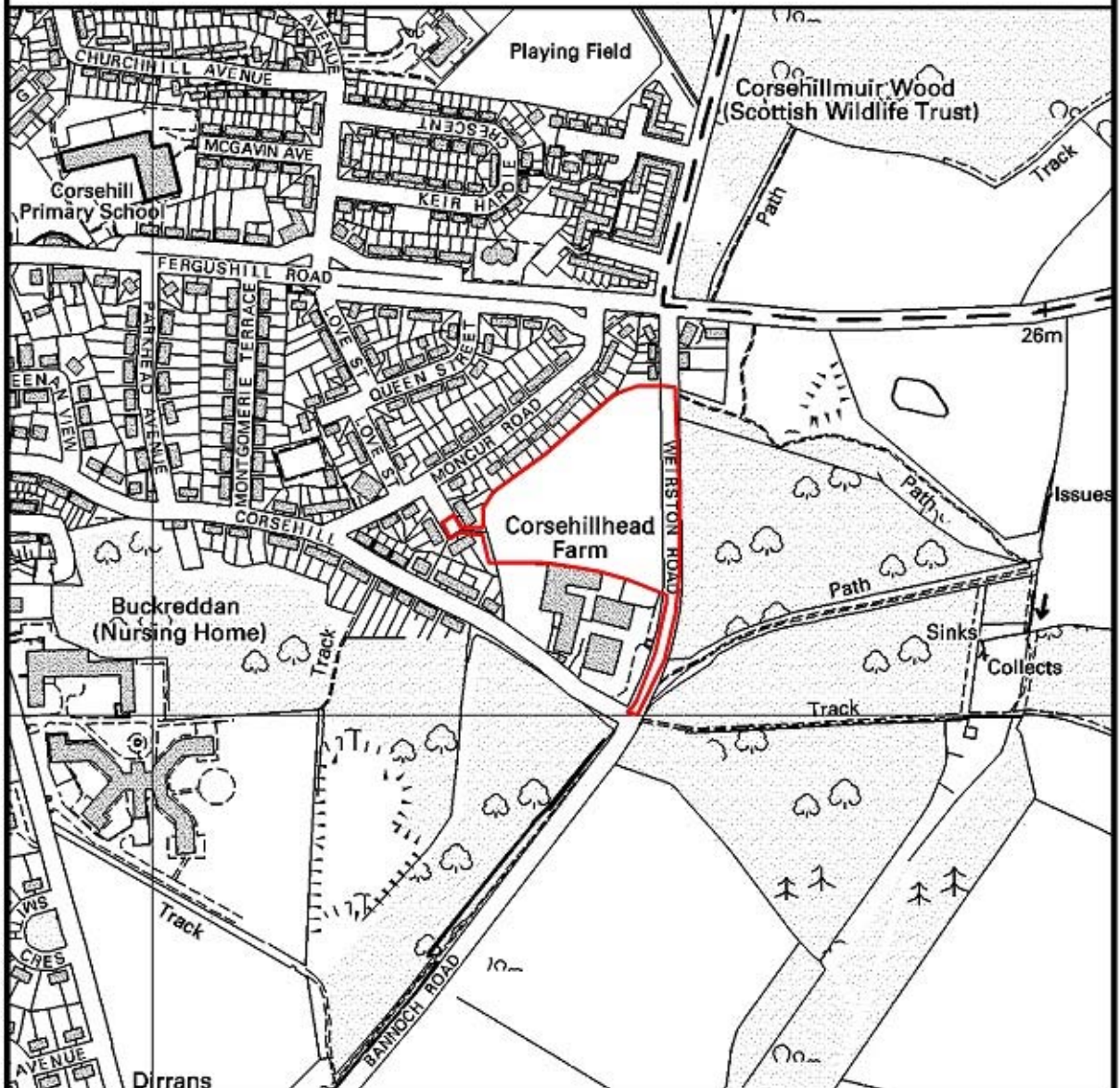
1. In the interest of the amenity of the area.
2. In recognition of the archaeological significance of the site.
3. To ensure the site is adequately treated to remediate any risks from historic mineworkings or other environmental factors.
4. In the interests of nature conservation.
5. To secure the management and maintenance of a suitable SuDS scheme to serve the development.
6. In the interest of the amenity of the area.
7. In the interest of the amenity of the area.
8. In the interest of the amenity of the area.
9. In the interest of the amenity of the area.
10. To secure adequate pedestrian connections to the site from the surrounding area.
11. To ensure the site is free of any ground contamination.

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.

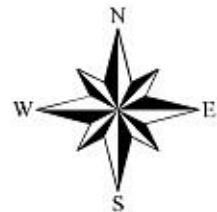
Committee Plans

16/01162/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 7

8 February 2017

Planning Committee

Title: **Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: ASDA car park, Rivergate, Irvine**

Purpose: To seek authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of a second hand clothes collection facility/cabin, 'Cash 4 Clothes,' within the car park of ASDA, Rivergate, Irvine.

Recommendation: Agree to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of a second hand clothes collection facility/cabin, 'Cash 4 Clothes,' within the car park of ASDA, Rivergate, Irvine.

1. Executive Summary

- 1.1 A cabin facilitating a second hand clothes collection facility, known as 'Cash 4 Clothes,' has been sited in the car park of ASDA, Rivergate, Irvine. The cabin is located to the south of ASDA, to the west of the multistorey car park and adjacent to the pedestrian crossing at New Street. The cabin is approx. 5m x 3m and 2m in height and all elevations are covered in advertisements for 'Cash 4 Clothes.' It has been placed over 3 parking spaces. Planning permission has been neither sought nor granted for the change of use.
- 1.2 The site is located within the Irvine Town Centre, as identified by the Adopted North Ayrshire Local Plan. Class 1 (retail) or Class 2 (professional services) use can be acceptable in town centres, subject to an assessment of any use's impact on factors including amenity and parking. The cabin which facilitates the use is held to harm amenity by way of its siting, design and external appearance and a reduction of parking provision.

- 1.3 Given the above and in particular, the adverse impact of the unauthorised development on visual amenity and parking provision, it is recommended that authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, as amended, (an "Enforcement Notice") be approved. An Enforcement Notice would require cessation of the use of the land for the siting of the cabin and removal of the cabin and the return of this part of the car park to its condition, prior to the siting of the container on the land. The Enforcement Notice would take effect not less than 28 days from the date on which it is served, unless an appeal is lodged before it takes effect. The Enforcement Notice would require to be in full compliance within 28 days of the date that it takes effect. There is a right of appeal against an Enforcement Notice, but not on the grounds that planning permission ought to be granted.

2. Background

- 2.1 Both Cash 4 Clothes and the land owner, Rivergate Property 2 Ltd, have been advised that the siting of the cabin for the clothes recycling facility is unauthorised and that a planning application would not be supported. They have been advised to cease the use and remove the cabin. However, to date this has not been done. As such, both parties have been advised that the Council is considering the issue of a formal enforcement notice. Rivergate Property 2 Ltd have advised that Cash 4 Clothes are required by their lease to comply with any statutory requirement. Failure to do so will allow them to terminate the lease. A response has not been received from Cash 4 Clothes.
- 2.1 A cabin facilitating the use of Cash 4 Clothes was previously sited in the car park of Farmfoods, Lamont Drive, Irvine, without planning permission and was unauthorised. The Council issued an enforcement notice in 2015 against that use. That notice was upheld on appeal to the Directorate for Planning and Environmental Appeals. The cabin was removed and the use ceased following this action. It is also noted that a Cash 4 Clothes operates in a shop unit in High Street, Irvine.
- 2.2 The use has been in operation for approximately 6 months and it is considered that the facility harms the visual amenity of the area by way of its siting, design and visual appearance. The cabin has the appearance of a temporary structure more akin to a building site or industrial area rather than a retail area. It is covered in adverts which further harm visual amenity and is sited in a prominent location next to New Street, a main route for vehicles exiting the town centre. The use is therefore held to be contrary to criterion (a) Siting, Design and External Appearance of the General Policy of the LDP. The use also takes up 3 parking spaces. Although the car park adjacent to ASDA is large, it is also very busy and well used by visitors to ASDA, the wider town centre and the retail park to the south. Given the loss of parking it is also considered that the development does not meet parking requirements and is contrary to criterion (d) Access, Road Layout, Parking Provision of the General Policy of the LDP.

3. Proposals

3.1 In the interest of the visual amenity of the area and parking provision in the town centre, it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-

- i) Cessation of the use of the clothes recycling facility, removal of the cabin and associated apparatus
- ii) Reinstate the ground to its former condition as part of the car park

4. Implications

Financial:	The Council can take direct action against non-compliance with an enforcement and seek any costs incurred from the land owner or lessee.
Human Resources:	N/A
Legal:	The proposed Enforcement 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 Enforcement Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."
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 : 16/00125/COUB

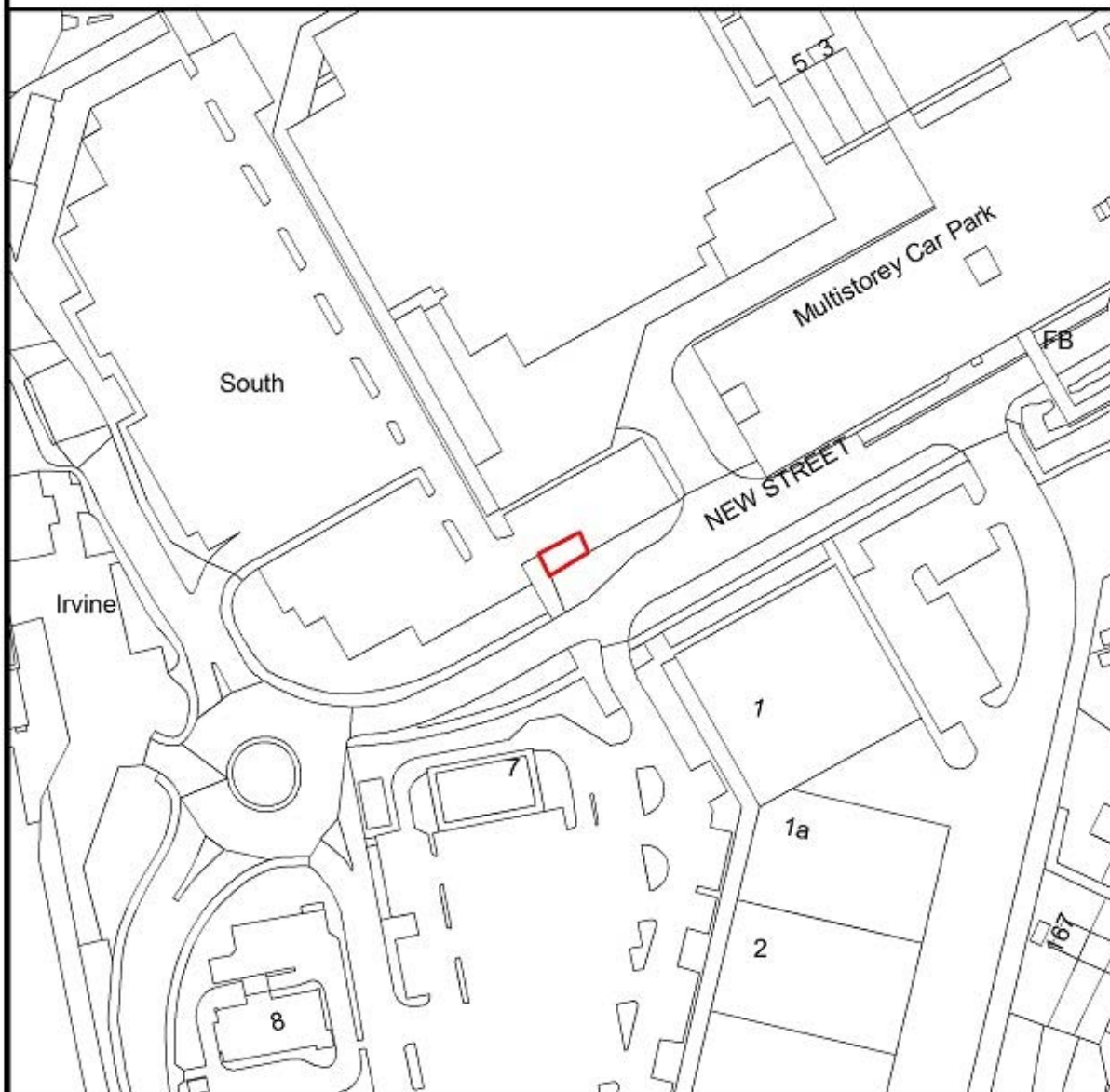
For further information please contact Iain Davies on 01294 324 320

Background Papers

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Location Plan

Notice under Section 127 of the Town and Country
Planning (Scotland) Act 1997: ASDA car park, Rivergate, Irvine



North Ayrshire Council
Comhairle Siorrachd Air a Tuath

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