



Cunninghame House,
Irvine.

30 August 2012

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 5 SEPTEMBER 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes

The Minutes of the previous meeting of the Planning Committee held on 15 August 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Isle of Arran

Submit report on the following application:-

12/00174/PP: Brodick: Springbank: Site to the east of Belmont

Erection of detached dwellinghouse on plot 4

(copy enclosed).

4. Irvine/Kilwinning

Submit reports on the following applications:-

4.1 12/00400/PP: Irvine: Girdle Toll: Site to the south east of 4 Overton Place

Erection of two storey end terraced dwellinghouse and alteration to existing car parking

4.2 11/00002/PPM: Kilwinning: Torranyard: Site to south of Viewfield Manor Holiday Village

196 unit extension to existing holiday village incorporating new public access road

4.3 12/00228/PPM: Irvine: Broomlands: St Kilda Bank: Broomlands Primary School

Demolition of existing primary school and erection of new primary school with associated external hard and soft landscaping, car parking, playgrounds, sprinkler tank enclosure, substation enclosure, external bin store, external equipment store, gas meter housing, CCTV cameras and external lighting

(copies enclosed).

5. Enforcement Notice: Ardrossan: 1 Montfode Court

Submit report by the Solicitor to the Council on an Enforcement Notice for the removal of an unauthorised shed (copy enclosed).

6. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
15 August 2012

IRVINE, 15 August 2012 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Elizabeth McLardy, Robert Barr, John Bruce, Joe Cullinane, John Ferguson, Ronnie McNicol and Tom Marshall.

In Attendance

J. Miller, Senior Planning Services Manager, K. Smith, Senior Planning Officer and J. Law, Solicitor (Contracts and Conveyancing) (Corporate Services); and M. Anderson Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Bell and Jim Montgomerie.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the previous meeting of the Committee held on 20 June 2012 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Isle of Arran

3.1 12/00174/PP: Brodick: Springbank: Site to the East of Belmont

John Thomson Construction, Lamlash, Isle of Arran has applied for planning permission for the erection of detached dwellinghouse on plot 4 at a site to the east of Belmont, Springbank, Brodick. Five letters of objection have been received, as detailed in the report.

The Committee agreed to continue consideration of the application to its next meeting to allow a site familiarisation visit to take place.

4. Garnock Valley

4.1 12/00380/ADC: Dalry: 2 Kilwinning Road: Lidl UK Gmbh

Lidl UK Gmbh, 2 Kilwinning Road, Dalry has applied for planning permission for the erection of 2 freestanding advertising hoardings at that site.

Councillor McLardy, seconded by Councillor McNicol, moved that the application be refused for the reason detailed in the report.

As an amendment, Councillor Barr, seconded by Councillor Bruce, moved that the application be approved.

On a division, there voted for the amendment 2 and for the motion 5, and the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on ground that:-

1. The proposed advertisements would be contrary to Policy TC8 of the Approved Advertisement Policy, and criteria (a) and (b) of the Development Control Statement contained within the Adopted North Ayrshire Local Plan (excluding Isle of Arran) in that the billboards would have a significant detrimental impact on the amenity of the area by reason of their size, height and visual appearance when viewed from the Lidl site, Kilwinning Road and the surrounding areas of public open space and housing.

5. Irvine/Kilwinning

5.1 12/00320/PP: Kilwinning: 19 Almswall Road

Mrs Angela McAlpine, 27 Nursery Wynd, Kilwinning has applied for planning permission for the Part Change of Use of Class 1 shop, to include an ancillary arts and crafts activity centre and cafe at 19 Almswall Road, Kilwinning.

The Committee agreed to grant the application subject to the following conditions:-

1. That the use hereby permitted shall not operate between the hours of 7pm in any day and 10am of the following day.

2. That, prior to the commencement of the use hereby approved, the applicant shall ensure that the mechanical ventilation system in the kitchen is adequate and suitable for the food handling/cooking to be undertaken, and shall be capable of operating without causing nuisance to neighbouring properties due to cooking odours or noise. Full details of any alterations to the ventilation system shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to installation and such details as may be approved shall thereafter be installed within two months of the date of such approval and shall be maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

5.2 12/00390/PP & 12/00391/LBC: Irvine: Bridgegate: Trinity Church

Irvine Bay URC, 43 Ardrossan Road, Saltcoats have applied for planning permission for Internal and external works including alterations to existing internal gallery to provide additional floor space, replacement external doors to existing openings, roof repairs, alterations and various other minor alterations at Trinity Church, Bridgegate, Irvine.

The Committee agreed to grant (a) planning permission; and (b) Listed Building Consent, subject to Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997.

6. Dalry and West Kilbride

6.1 12/00295/PP: West Kilbride: Main Street: Old Barony Church

West Kilbride Community Initiative Ltd, Barony Centre, 50 Main Street, West Kilbride has applied for planning permission for the installation of 3 no. air source heat pumps with acoustic timber enclosure at Old Barony Church, Main Street, West Kilbride. Two letters of representation and one letter of objection have been received, as detailed in the report.

During discussion, the Members expressed the view that planning permission should be subject to a further condition, in relation to the position, colour and landscaping of the acoustic fence.

The Committee agreed to grant planning permission subject to the following conditions:-

1. That, in the event that the air source heat pumps, hereby approved, are not in use for a period of 6 months, they shall be removed from the site, to the satisfaction of North Ayrshire Council as Planning Authority.

2. That, within 6 weeks of the date of this decision, the 3 no. air source heat pumps shall be re-located to the position hereby approved. The acoustic fence, hereby approved, shall be erected prior to the coming into use of the heat pumps in their approved position, and thereafter shall remain in place and be maintained, all to the satisfaction of North Ayrshire Council, as Planning Authority.

3. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, details of an amended position, colour and landscaping of the proposed acoustic fence. Any such details, which may be approved, shall be implemented prior to the operation of the air source heat pumps, and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.

6.2 12/00259/LBC: West Kilbride: Main Street: Old Barony Church

West Kilbride Community Initiative Ltd, Barony Centre, 50 Main Street, West Kilbride has applied for planning permission for the replacement of a storm damaged spire finial at Old Barony Church, Main Street, West Kilbride.

The Committee agreed to grant the application, subject to the following condition:-

1. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.

The meeting ended at 2.35 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

5 September 2012

Planning Area

Isle of Arran

Reference

12/00174/PP

Application

11th April 2012

Registered

Decision Due

11th June 2012

Ward

Ardrossan and Arran

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

LocationSite to East of Belmont
Springbank
Brodict
Isle of Arran**Applicant**John Thomson Construction
Lamlash
Isle of Arran**Proposal**Erection of detached dwellinghouse on plot 4

1. Introduction

Consideration of the application was continued at the meeting of the Planning Committee on 5 August 2012 to allow a site familiarisation visit for members of the Committee to take place. Members of the Planning Committee visited the site on 20 August 2012.

2. Description

The site is located to the south of Alma Road and is adjoined by residential properties to the west and south. The application site, and adjoining land to the north and east/south-east which is also in the applicants' ownership, comprises a development site in respect of which planning permission was granted on 23 June 2004 for the erection of 9 detached dwellinghouses and 14 terraced dwellinghouses, including the formation of associated roads, footways, etc. (reference 03/00869/PP).

Planning permission for relocation of a footpath through the overall site, with associated landscaping, was granted on 24 October 2005 (reference 05/00766/PP). On 25 January 2012 planning permission was granted for the erection of 3 dwellinghouses on land lying to the North of plot 4; the planning permission granted in 2004 proposed 5 houses within plot 4 and the adjoining land to the North rather than 4 houses now proposed.

Plot 4 has an area of around 700 sq. m and the proposed house would be positioned towards the east end to provide clearance to 3 mature trees located within the site which are protected by a condition of planning permission. The proposed house is of one and a half storey design with dormers of traditional size and appearance serving 2 bedrooms accommodated within the roof space. On the ground floor accommodation would comprise a kitchen, lounge/dining room, bedroom and a bathroom. Patio doors would lead from the dining/lounge onto a 1.1 m wide raised platform. A flight of steps leads to the platform and also the main access door to the house. Windows are vertically proportioned and the roof pitches relatively steep which together with the off-white rendered walls and natural slate roof give the proposed dwellinghouse a relatively traditional appearance. A parking area for vehicles immediately adjoins the north side of the proposed house. The plans indicate a retaining wall 1m from the south boundary.

A 2m wide footpath is indicated along the north boundary of the site. The 2005 planning permission mentioned above indicated that the footpath would follow a diagonal route through the site within a 5.5 metre wide corridor with landscaping on either side. The footpath would link the overall development site access road with Springbank Terrace and would be adopted by the Council with appropriate lighting installed.

In the adopted Isle of Arran local plan, the site is located within a residential area in Brodick settlement boundary and is unaffected by any site specific policies or proposals therein. Policy RES1 states that development for residential purposes within the settlement boundary shall accord with the local plan.

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

3. Consultations and Representations

Neighbour notification was undertaken on 11 April 2012 and 20 July following receipt of revised proposals from the applicants.

Five letters of objection have been received.

Grounds:

1. A turning area at the end of Springbank Terrace is located within the boundary of plot 4. This has existed since the two properties to the south of plot 4, Montia and Armadale, were occupied. The occupant of the latter was instructed by the Island's Road Services Manager to construct a turning facility and maintain it thereafter. Since then that requirement has been fulfilled.

Response - The submitted plans show that the south-west corner of the site boundary would be located roughly in the centre of the turning area. If boundary enclosures were erected along the south and west boundary as indicated on the submitted plans, this would prevent the area being used as a turning facility. A 3 m gap would appear to remain which might still permit vehicular access to Montia and Armadale. The applicants were asked to consider amending the site boundary to avoid interfering with the turning area. They stated however that they did not wish to give up any land to provide a turning head which they say should have been provided within the applicant's own land. See Analysis.

2. The footpath linking the site access road and Springbank Terrace should be within a 5.5 metre wide landscaped corridor as was originally approved in 2005.

Response - When planning permission 05/00766/PP was granted for relocation of the footpath, the approved plans indicated that it would be within a 5.5 m wide landscaped corridor, the purpose of which was to secure provision of a footpath within a broad user friendly corridor. The plans currently submitted show a 2 m wide footpath linking the site access road to a secondary footpath along the west boundary of plots 1-4. The first 11 metres of the footpath would have a 1 m wide landscaped strip on the north side and the parking area for the house on plot 4 on the other side. Thereafter it broadens out to a 5.5 m wide corridor until it reaches the secondary footpath. The remaining section of 2 m wide footpath leading to Springbank Terrace is located within a narrower 3.7 m wide corridor. The applicants were asked to submit revised proposals showing a 5.5 m wide corridor continuing over the final section of footpath leading to Springbank Terrace. The applicants point out that a 2 m wide footpath link would be available to Springbank Terrace but were not prepared to widen the landscaped corridor over the final section of footpath. See Analysis.

3. Two trees growing on plot 4 are not shown, one *Leylandii* and one pine. The roots of these trees would be disturbed by the erection of the proposed dwellinghouse.

*Response - The applicants advise that the proposed trees are within the site but would require to be removed to facilitate the development through lowering of ground levels and construction of the retaining wall. Landscaping proposals submitted with respect to the original application indicated that the pine tree would be retained. It has apparently been damaged in recent storms and is of poor appearance. The *Leylandii* tree also has little aesthetic appeal. The loss of the trees would not, therefore, significantly detract from the amenity of the area. Replacement tree planting is proposed within the plot.*

4. Before the house is built, the ground should be examined by a structural engineer to ensure that the lowering of the ground level would not have an adverse impact on the tree route system.

Response - The proposals have been examined by the Council's Countryside Liaison Officer who is satisfied that the proposed development would not adversely impact on the trees.

5. The siting, height and scale of the proposed dwellinghouse would adversely impact on the amenity of neighbouring residential properties. The proposal would be contrary to the Development Control Statement in that the dwellinghouse would not be in keeping with Montia and Armadale which are single storey, cabin style houses. These properties would also be affected by loss of sunlight and daylight. Three velux windows would impact on the privacy of the neighbouring properties to the south. The house should be dug in to the site to avoid excessive underbuilding. The balcony at the front would overlook one of the objector's properties in Springbank Terrace.

Response - The position of the proposed house is not significantly different from that which was approved under planning permission 03/00869/PP. The height and frontage width of the houses are also similar though the proposed house would be some 2 m greater in depth. The plans indicate that the ridge level of the proposed house would be lower than that of the single storey houses immediately to the south. While it is acknowledged that Montia and Armadale are single storey houses of timber finish, in this area they are the exception, the majority of neighbouring houses being of more traditional single, one and a half and two storey construction. The proposed house lies to the north of Montia and Armadale and would not therefore overshadow these properties. Daylighting testing also shows that the existing dwellinghouses will not be affected by loss of daylight. Of the three rear facing velux windows two serve upper floor bedrooms and one provides light to the stairs leading to the upper floor. While there would be a distance of around 20 m to the nearest dwellinghouse, the garden would only be some 6.5 m distant.

A condition could be imposed to require the rooflights to either be obscure glazed or moved up the roof slope to avoid overlooking. The plans indicate that there would be some 900 mm of underbuilding at the front of the house which is not considered to be excessive. The balcony at the front of the proposed house would be some 30 metres from the nearest property in Springbank Terrace and therefore there would be no significant overlooking of properties in that street.

6. Landscaping - As originally required, landscaping should be provided. The proposals seem to ignore this.

Response - Landscaping proposals were subsequently submitted by the applicants.

7. Overdevelopment - The house would have little garden space. It should be deleted from the overall development and the site landscaped instead.

Response - The proposed house would occupy some 14% of the plot which is a relatively low house/plot ratio. While the trees would limit to a certain extent the use of the garden for the erection of outbuildings, etc. a reasonable area of ground would remain for the recreational enjoyment of the occupants. Permitted development rights relating to extensions, etc could be removed to maintain control over development within the curtilage of the house.

8. There is reason to believe that the south boundary of plot 4 is not accurate.

Response - It is understood that the discrepancy in the position of the south-east corner of the plot is less than 1m though the applicants are satisfied that the plot boundaries have been accurately drawn. This is essentially a matter that requires to be resolved by the parties involved. Nevertheless in the event that the site boundary is misrepresented by that which is alleged, it would have no material bearing on the plot size.

9. The house has been positioned to the eastern end of the plot. Should the protected trees be removed an attempt may be made to develop the western half as a separate house plot.

Response - The house was positioned towards the eastern end of the plot to provide adequate clearance for the protected trees. Should the trees be removed for whatever reason, it is likely that replacement tree planting would be sought. Should an application for planning permission be sought in future for the house on the western part of the site the proposal would be considered on its merits. Given that it would leave the house on plot with little or no garden, it is unlikely that such a proposal would be supported.

10. Japanese Knotweed is present on the site.

Response - It was a condition of the original permission 03/00869/PP that due to the presence of Japanese Knotweed, the applicants should submit details of proposals for its removal prior to any work commencing on site. The applicants state that they have been treating the site for over five years and that all signs point towards successful eradication. In Spring of this year however, a single stem was spotted and was treated by them immediately. The applicants state that during the growing season they inspect the site on a weekly basis and during the winter on a monthly basis. If any Knotweed is spotted it is sprayed with an appropriate herbicide as advised by Scottish Government. Where single stems are encountered, the applicants state that they will cut off the stem and inject with herbicide. The removed stem will be dried out and burned within the site and the ashes buried to an appropriate depth. The workforce they say has been advised about the possibility of Knotweed still being on site and have been instructed to report any plant growth immediately so action can be taken. Vehicles entering the site are required to be thoroughly cleaned prior to leaving.

11. A path through the site leading to Brathwic Terrace/Place is a Right of Way. The path should be kept open when site works are not taking place.

Response - The Council's Access Officer is investigating as to whether or not the track referred to is a Right of Way. The plans approved in 2003 show the track being retained post development. The applicants are of the view that a public Right of Way does not exist and state that they have had to close the site from public access for health and safety reasons.

Consultations

Scottish Water - No Objection. The applicant should contact Scottish Water with regard to obtaining a connection to Scottish Water's infrastructure. A totally separate drainage system will be required with surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland too if the system is to be considered for adoption.

Response - Noted. A condition could be imposed to ensure that surface water is treated by SUDS. The applicants could be advised by note to contact Scottish Water with regard connections to its infrastructure.

Environmental Health - No objection. The presence of any significant unsuspected contamination which becomes evident during the development of the site should be brought to the attention of Environmental Health.

Response - A condition could be imposed in this regard.

Infrastructure and Design Services (Roads) - A temporary turning head will require to be provided. The footpath between the proposed road and Springbank Terrace which has been relocated to avoid trees and improve the gradient will be adoptable for the entire length. An amendment to the construction consent showing the relocation of the footpath is required along with construction details for the path. The road and footways/footpath shall be completed prior to occupation of the dwellinghouse. The first 2 metres should be hard surfaced and no water should issue onto the public road.

Response - Noted. Conditions could be imposed with regard to completion of the road and footways and the design of the driveway.

Countryside Liaison Officer - The only root protection area that is breached is a slight encroachment into that of the most easterly tree and it is doubtful if that would have a major effect on its stability or future health. It could be a future issue in terms of nuisance to the occupants of the dwellinghouse. The ground round the base of the trees was uneven with long term rubbish dumped on the site. Any landscaping works would have to ensure that the existing soil levels around the base and surrounding routes were maintained at the existing levels to avoid route exposure or submerging the routes to depths that restricted the existing route system from oxygen, moisture and nutrients.

Response - Noted. Tree protection measures could be incorporated during the construction of the dwellinghouse to ensure that construction activity was kept away from the root protection area.

4. Analysis

The proposal comprises the erection of a dwellinghouse within a residential area in the settlement of Brodick and in principle therefore it complies with Policy RES1. The main determining issues therefore are whether the proposal accords with the Development Control Statement criteria, an assessment of which follows:

- (a) Siting, design and external appearance - The proposed dwellinghouse is considered to be acceptable with regard to its siting, design and external appearance. It would complement the design and appearance of the houses recently approved on plots 1, 2 and 3 and also the majority of houses in the surrounding area which are also of relatively traditional style. While the floor level of the proposed house would be some 2 m higher than that previously approved, the applicants have managed to reduce the ground level outside the house so that the revised ground level would be some 1.5 metres below that of the adjoining garden to the south. This would reduce its visual impact and given the distance to the neighbouring property of around 20 m and its satisfactory appearance, the proposed dwellinghouse would not, it is considered, significantly impact on the outlook from the nearest residential properties. The siting, design and external appearance of the dwellinghouses are therefore considered to be acceptable.
- (b) Amenity - As noted above, the proposed development would not have an adverse impact on neighbouring residential properties by reason of loss of sunlight, daylight or privacy, the latter being subject to a condition on the revised proposals for the rear facing velux windows being lodged. Similarly given the satisfactory appearance of the proposed dwellinghouse, there would not be an adverse impact on the visual amenity.
- (c) Landscape Character - The proposed development is located within the settlement of Brodick and adjacent to a built up area. It would not therefore have an adverse impact on landscape character.
- (d) Access, Road Layout and Parking Provision - As noted above Roads had no objection to the proposals subject to conditions. It was originally intended that the footpath link through the site from the access road to Springbank Terrace would be way of a 2 m wide footway accommodated within a 5.5 m landscaped corridor in order to provide a user friendly route for pedestrians. The reasoning for such a link has not changed and it is considered that the loss of a small strip of ground at the rear of the site to provide a wider corridor would not adversely impact on the site size or occupants of the dwellinghouse. Accordingly a condition should be imposed to secure a corridor width as originally approved. Similarly the site boundary should be adjusted to exclude the section of turning area in the interests of maintaining an appropriate turning area and access to the two properties to the south.

- (e) Water and Sewerage - Scottish Water did not object to the proposed development as noted above. It should be noted that a reed bed for treating the outfall from the septic tank serving one of the objector's property to the south is located within plot 4 and is apparently functioning at present. The applicants were asked to submit proposals for dealing with the discharge from the reed bed which would have to be removed to accommodate the proposed house. They responded stating that the reed bed was constructed on their property without permission and requires to be removed. It is not, they say, their responsibility to deal with the discharge on removal of the reed bed. The impact of the development on the reed bed is a matter that requires to be resolved by the applicants and the owner of the affected property.
- (f) Safeguarding Zones - There are none to be considered.
- (g) The Precautionary Principle - There is nothing to indicate that the proposed development would cause significant irreversible damage to the environment, existing development or the proposed development itself

In view of the foregoing, the proposal accords with the relevant local plan policy and Development Control Statement criteria and planning permission can therefore be granted subject to the conditions in Appendix 1.

5. Full Recommendation

See Appendix 1.



Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
23 August 2012

For further information please contact John Michel , on 01294 324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00174/PP

Grant subject to the following conditions:-

1. That the footpath corridor along the rear (west) boundary of the site shall be widened to 5.5m and the existing turning area at the south-west corner of the site shall be excluded from the application site. Prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a revised site plan showing the widened section of footpath, including associated landscaping and also the turning area excluded from the site. Thereafter the site boundaries shall be formed in accordance with the revised site plan, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the occupation of the dwellinghouse hereby approved, the footpath connecting the principal site access road with Springbank Terrace shall be constructed to adoptable standard which shall be surfaced in tarmac and shall include lighting, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority, a revised scheme of landscaping to take account of the changes to the site boundary required by Condition 1 above; the revised proposals shall include details of the fencing to be employed to protect the three trees within Plot 4 to the west of the proposed house which fencing shall be erected prior to the commencement of the development and shall be maintained throughout the period of construction, to the satisfaction of North Ayrshire Council as Planning Authority.
4. That unless North Ayrshire Council as Planning Authority gives written consent to any variation, all planting, seeding or turfing comprised in the approved revised details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the house or 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.
5. That no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.

6. That notwithstanding the permission granted by Article 3 of and Classes 1(A), 1(B), 3(A), 3(B), 3(C), 3(D) of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the curtilage of the dwellinghouse.
7. That no development shall commence on plot 4 until the applicants' programme of Knotweed eradication from the site, dated 5th July, 2012 has been demonstrated to be effective, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That prior to the occupation of the dwellinghouse hereby approved, a temporary turning head shall be formed to the south of Plot 4, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.
9. That prior to the occupation of the dwellinghouse hereby approved, the access road and pavement serving the dwellinghouse and plots 1-3 to the north shall be constructed to adoptable standards and in accordance with the details shown on the site plan hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
10. That the first two metres of the access, 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.
11. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.
12. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

13. 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.
14. That prior to the commencement of the development the applicants shall submit, for the written approval of North Ayrshire Council as Planning Authority, exact details of the design and finish to all boundary fencing and retaining walls. Prior to the occupation of the dwellinghouse, hereby approved, the boundary fencing and retaining walls, as may be approved, shall be erected and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.
15. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, revised proposals for the siting and design of the south facing rooflights, to minimise the degree of overlooking of the properties to the rear. Prior to the occupation of the dwellinghouse, hereby approved, the revised proposals, as may be approved, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In the interest of the amenity of the area.
2. To ensure that a right of way accessible to all users is retained across the site.
3. To secure a landscaping scheme and the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
4. To secure the proper completion of the development in the interest of amenity.
5. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
6. To maintain control of developments in the curtilage of the dwellinghouse in the interest of securing the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
7. To ensure the removal of Japanese Knotweed and proper remediation of the site prior to works commencing.
8. To meet the requirements of North Ayrshire Council as Roads Authority.

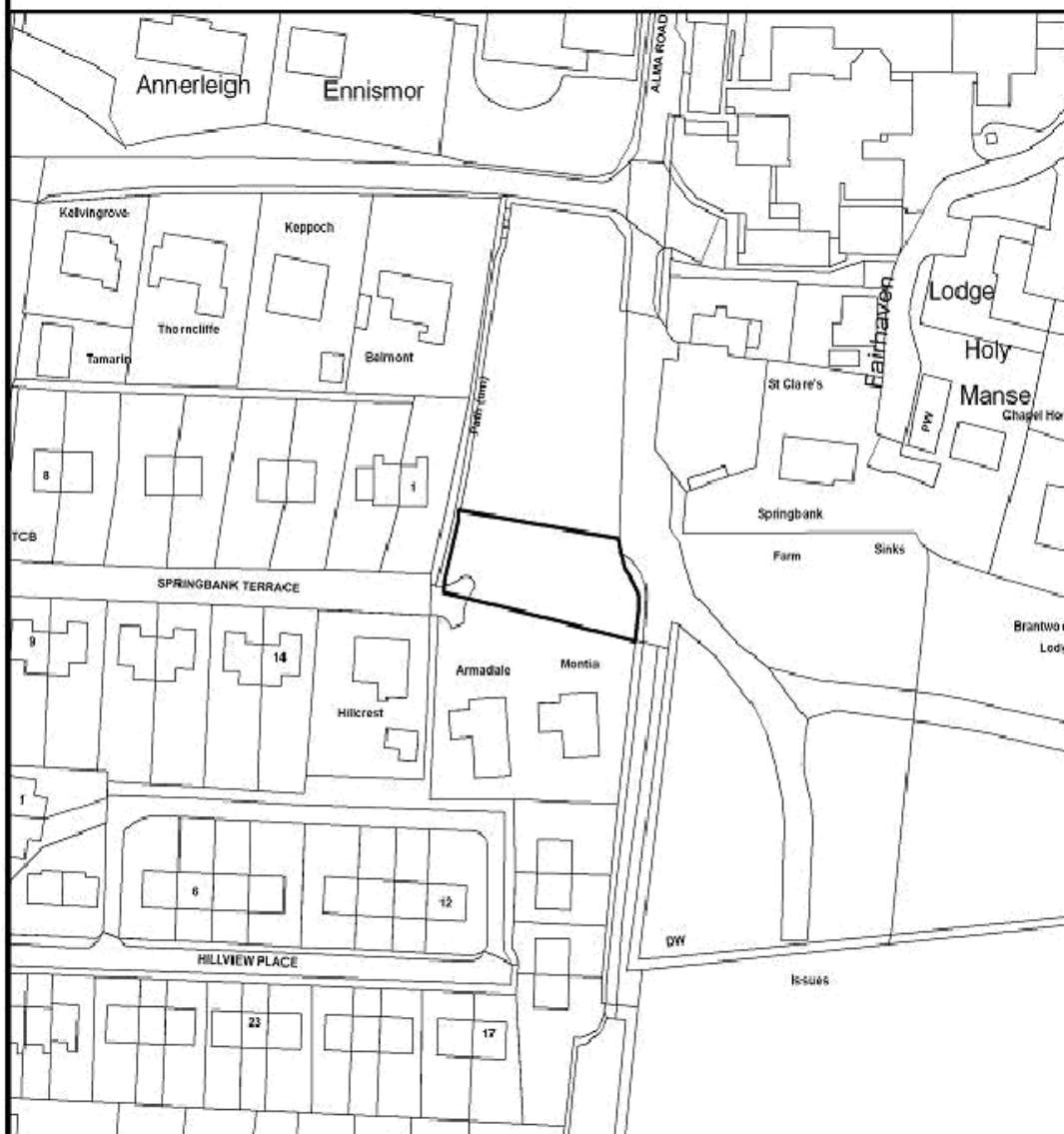
9. To ensure that the occupants of the dwellinghouse are provided with an adequate road and footpath system.
10. To meet the requirements of North Ayrshire Council as Roads Authority.
11. To ensure the proper maintenance and management of the areas of landscaping.
12. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
13. To meet the requirements of Environmental Health.
14. In the interest of the amenity of the area.
15. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

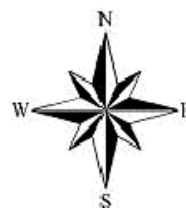
12/00174/PP



NORTH AYRSHIRE
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 1000 23393."

Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 4.1

Planning Committee

Planning Area

5 September 2012**Irvine/Kilwinning**

Reference

12/00400/PP

Application

18th July 2012

Registered

Decision Due

18th September 2012

Ward

Irvine East

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

LocationSite to the south east of 4 Overton Place
Girdle Toll
Irvine**Applicant**Robert Paterson
4 Nevis Way
Bourtreehill North
Irvine**Proposal**Erection of two storey end terraced dwellinghouse
and alteration to existing car parking

1. Description

This is an application for the erection of a two storey dwellinghouse to the side of an end terraced property at 4 Overton Place, Girdle Toll, Irvine. The proposed two bedroom house would have a pitched roof and be finished in white dash render and concrete roof tiles to match the adjoining properties. The proposed dwelling would have a ground floor area of approximately 39sqm, would be 5.5m high to the eaves would have an overall height of approx. 7m. The rear garden area would be approx. 75sqm with a maximum depth of 12m, with part occupied by two proposed off-street parking spaces.

No. 4 Overton Place, which is owned by the applicant, is located at the end of 4 terraced properties. There is a distance of approximately 8m from the side elevation of this property and the southern boundary with the public footpath. There are 8 on-street parking spaces to the rear (east) of these properties and it is proposed to utilise one of these spaces to form an access to the rear garden area of the proposed dwelling for parking within the rear curtilage of the property. It is also proposed to remove a small grass and concrete strip within this parking area to increase the size of a single space to double width. This alteration would result in no change to the overall number of on-street parking provision and provide 2 parking spaces within the confines of the site.

The rear garden areas of Nos. 1 - 3 Overton Place have an area of between 80sqm. and 120sqm. No. 4 Overton Place has a rear garden area of approx. 185sqm. The proposal would result in the donor house having a garden area of approx. 110sqm. There is a terrace of single storey bungalows approximately 8m to the south of the site at 14-16 Capringstone Foot and a footpath directly to the front (west) beyond which are similar 2 storey terraced properties. The area is generally characterised by similar two storey terraced properties. The application site is located within a residential area as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). The proposal requires to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design, external appearance; (b) Amenity, and d) Access, Road Layout, Parking Provision.

As the proposal includes the removal of a small strip of grass and concrete to form parking, the proposal requires to be assessed against Policy OS1 (Protection of Open Space). Policy OS1 relates to the protection of open space, including small areas of recreational and amenity open space not individually identified as such on the Local Plan map. The policy states that the proposed development should not have a detrimental impact upon the amenity, character or appearance of the area and that in cases where the proposed development is for a use other than outdoor recreational, or leisure purposes, it should not adversely affect the recreational value of any area of active or passive open space when considered in relation to the overall level of provision in the local area and it should not set an undesirable precedent for further incremental loss of open space.

A planning application for the erection of a two storey dwellinghouse was withdrawn in July 2012 (Ref:12/00280/PP). The current application is a re-submission following discussions with Infrastructure and Road Services (Roads) with regard to parking provision.

2. Consultations and Representations

The standard neighbour notification has been issued by the Council and the proposal was advertised in a local newspaper on 27 July 2012 for neighbour notification purposes. The advert will expire on 17 August 2012 and no objections have been received to date.

Two objection letters have been received and can be summarised as follows:
-

1) The proposed dwelling would overlook and overshadow the properties at Capringstone Foot.

Response: There would be one small window at upper floor level on the side elevation of the proposed dwelling. It is considered that there would be no significant loss of privacy arising from the proposals as the window would serve a non-habitable room, and there is a distance in excess of 30m between the front and rear elevation of the proposed dwelling and the adjacent dwellings to the east and west of the site. With regards to overshadowing, the proposed dwelling would be situated to the north of the properties at Capringstone Foot and as such there would be significant overshadowing.

2) Lack of parking is already an issue within this area. The proposal would have 2 parking spaces within the rear garden area which would require the removal of an existing parking space to obtain access. This parking space is currently used by other residents. Due to the lack of parking, the objectors often have to park further from their dwelling and sometimes in another street which can cause issues with other residents.

Response: Infrastructure and Design Services has been consulted and offer no objections to the proposal (see below). The applicant would provide 2 off street parking spaces within the curtilage of the property and an additional on-street parking space would be created by widening an existing single space to a double space. There would be no loss of on-street parking. Although the objectors may require to park further from their dwelling on occasions, the parking spaces within the area are communal and are not allocated to residents. The development would also not result in the loss of on-street parking.

3) The proposed changes to the existing parking area would change the dynamics of the street. The parking area has been upgraded to a high standard and open space and communal landscaped areas should be retained. Housing Services should refuse any application to buy the land.

Response: It is considered that the grass and concrete strip which would be removed do not serve any specific purpose other than parking separation and appear to have limited recreational or aesthetic value. It is also considered that the alterations to the parking arrangements to serve the development would not have a significant adverse impact on the character or appearance of the surrounding area. Estates has consulted Housing Services on the proposal to ascertain if the proposed alterations are acceptable. This legal issue would be a matter for the applicant to negotiate with Estates.

4) The proposed new parking would be within close proximity of properties at Capringstone Foot and would have an adverse impact on the outlook of these properties. The 2 parking spaces within the curtilage of the proposed house may also not be used for parking.

Response: The proposed parking space would be approx. 11m further from the nearest property at Capringstone Foot than the existing parking space. It is not considered that the proposed parking alterations would have an adverse impact on the residential amenity of these properties. A condition could be imposed to ensure that the spaces are formed and thereafter maintained.

5) The proposal is overdevelopment in the context of the existing housing layout and insufficient communal parking.

Response: There is sufficient space to the side of the adjoining property at no. 4 Overton Place to accommodate the proposed development which would have a similar "house to plot" ratio to the adjacent dwellings (see analysis). The proposal would also meet the requirements of Infrastructure and Design Services (Roads) and would not result in the loss of on-street parking.

6) The applicant does not own or control the concrete and grass strip which would be removed to create an additional on-street parking space. To buy this area of ground would be expensive and may make his proposal financially un-viable.

Response: The issue of ownership is not a material planning consideration.

7) The proposed dwelling would be too close to existing dwellings at Capringstone Foot and would have an adverse impact on the outlook of these properties.

Response: There would be a distance of approx. 7.5m between the side elevation of the proposed dwelling and the nearest property at no. 15 Capringstone Foot, which is similar to the distance between other properties within the area. The proposal would result in a side elevation being 6m closer to this property. However, as discussed above, this is considered to be the common pattern of development within the surrounding area.

Infrastructure and Design Services (Roads) - No objections. The previous application (Ref: 12/00280/PP) did not meet the required parking arrangements. The applicant has re-submitted the proposal which now includes the provision of two parking spaces within the curtilage. A single space would also be increased to a double space to ensure that there would be no loss of on-street parking due to the formation of the new vehicular access into the site. Therefore, the applicant has successfully demonstrated that the existing level of on-street parking can be retained with some minor alterations.

The new parking bay shall be constructed in accordance with the Road Development Guide. A drop kerb footway crossing shall be formed as detailed in Sections 5.2 and 10.8 (and Fig 10.16) of the Roads Development Guidelines (driveway, access, footway crossing). A Road Opening Permit is required for works adjacent to the public road network.

Response - Noted. Suitable conditions can be imposed to address these issues. An informative can also be attached with regards to the Road Opening Permit.

Estates Services - The strip of concrete and grass which would be removed to form parking is owned by North Ayrshire Council Housing Services. Estates are currently in consultation with Housing in order to ascertain whether Housing Services would be willing to allow the proposed alterations. If Housing are prepared to allow the changes it would then be negotiated between the applicant and Estates.

Response - Noted. This legal issue would be a matter for the applicant to negotiate with Estates. An informative could be attached to inform the applicant that works should not commence until a suitable agreement has been reached with Estates Services.

3. Analysis

The proposed development of a dwellinghouse within an area allocated for residential within the adopted Local Plan, would be acceptable in principle.

With regards to criterion (a), of the DCS it is considered that the proposed dwelling is of similar design, scale and finish to the properties within the vicinity. It is also considered that there is sufficient space to the side of the adjoining property at no. 4 Overton Place to accommodate the proposed development and, given the rear garden area would have an area of approx. 75sqm, it would have a similar "house to plot" ratio to the adjacent dwellings. In view of the above, it is considered that the proposal would be in-keeping with the character of the surrounding area and would not have a significant adverse impact on the appearance therein. The proposal therefore accords with criterion (a) of the DCS.

With regard to criterion (b), for the reasons discussed above, the development would neither have a significant detrimental impact on the privacy of the neighbouring properties nor would there be significant overshadowing. The rear garden area would have a depth of approx. 12m and although there is no off-street parking within the curtilage of the surrounding properties, it is considered that the rear garden is of sufficient size to accommodate the proposed parking without detriment to the amenity of the property. Similarly, it is considered that the donor house would retain an acceptable area of rear garden space. It is therefore considered that the proposed development could be accommodated within the curtilage of the site without detriment to the property, donor property or surrounding properties. The proposal therefore accords with criterion (b) of the DCS.

With regard to criterion (d), Infrastructure and Design Services (Roads) has no objections to the proposal on the basis that two parking spaces would be provided within the curtilage of the site and a new parking space would be formed by removing a section of grass and concrete within the adjacent parking area. An appropriate planning condition could be attached to address this issue. The proposal therefore accords with criterion (d) of the DCS.

In terms of Policy OS1 of the North Ayrshire Local Plan, it is considered that the grass and concrete strip which would be removed do not serve any specific purpose other than parking separation and appear to have limited recreational or aesthetic value. It is also considered that the alterations to the parking arrangements to serve the development would be not have a significant adverse impact on the character or appearance of the surrounding area and would not set an undesirable precedent for further incremental loss of open space. The proposal therefore accords with Policy OS1.

In view of the above and with the imposition of the aforementioned condition, it is considered that the proposed development could be accommodated within the curtilage of the site without detriment to the property, donor property or surrounding properties and as such the site would be suitable for the residential development. It is also considered that the proposal would not have a significant adverse impact on the character and appearance of the surrounding area and would accord with Criteria (a), (b) and (d) of the DCS and Policy OS1. There are no other material planning considerations. It is therefore recommended that planning permission is approved.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'I. T. Mackay', with a stylized flourish at the end.

Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
2 August 2012

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

FK/LN

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00400/PP

Grant subject to the following conditions:-

1. That, prior to the formation of the new vehicular access, one additional on street parking space as detailed on the approved block plan, shall be formed in accordance with the Roads Development Guide and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, a drop kerb footway shall be formed as detailed in sections 5.2 & 10.8 (and Fig 10.16) of the Roads Development Guidelines. (driveway access footway crossing).
2. That a minimum of 2 parking spaces shall be formed and maintained within the confines of the site.

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

1. To meet the requirements of North Ayrshire Council as Roads Authority.
2. To meet the requirements of North Ayrshire Council as Roads Authority.

Reason(s) for approval:

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

NORTH AYRSHIRE COUNCIL

Agenda Item 4.2

Planning Committee

Planning Area

5 September 2012**Irvine/Kilwinning**

Reference

11/00002/PPM

Application

11th March 2011

Registered

Decision Due

10th July 2011

Ward

Kilwinning

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

LocationSite to south of Viewfield Manor Holiday Village
Torranyard
Kilwinning
Ayrshire
North Ayrshire**Applicant**Mr S Jackson
Viewfield Manor Holiday Village
Torranyard
Kilwinning
Ayrshire
KA13 7RD**Proposal**196 unit extension to existing holiday village
incorporating new public access road

1. Description

This application proposes an extension, measuring 8.2ha, for an additional 196 units and associated facilities and works at the Viewfield Manor Holiday Village at Torranyard. The existing site extends to some 9.1ha, which could accommodate some 260 caravans. A new principal access point, off Lochlibo Road is also proposed, with the existing access at the Kilmaurs Road, close to the Torranyard crossroads.

Other facilities would include: new internal roads; caravan sales area, sales office and reception; a new sewage pumping station; SUDs; structural and other landscaping; children's play areas and a multi sports facility; and phased relocation of existing facilities within the existing park.

The site would be laid out with the access entering at the extreme north of the site, leading onto a small roundabout, off which parking for the extended and the existing northern caravan park and the main facilities would be all be accessed. The main building/structures would be located within the north eastern part of the site, at a lower level than the A736 and close to the Daught Burn. Within the extended park, internal roads would generally follow the site contours, being on a north-east axis and having 'pitches' on either side. Rows of 'pitches' would be intermittently broken up with areas of landscaping. In the north western parts, running south from the access, would be open grassed areas and the children's play area. Additional landscaping is to be provided within the site and along the A736 corridor.

Consideration of the application was delayed to enable further discussion and submissions on both technical and policy issues, which concluded in July 2012. During this time the property, both the existing park and proposed extension, have changed to new owners/operators.

The site generally falls from north to south and extends to some 8.2ha and is located to the south east of the settlement of Torranyard which lies at the crossroads of Lochlibo Road, the A736 Irvine / Paisley road, and Sharon Street, the Torranyard / Kilmaurs road.

Lochlibo Road forms the western boundary, with agricultural land beyond, the existing park is immediately to the north. The east boundary is defined by a small watercourse (Daught Burn), within a narrow channel, with agricultural land beyond. To the south is rough agricultural land. There are significant extents of existing hedging and some fencing along the various boundaries, although there are sections which are open. The landform generally falls in a south easterly direction towards the Daught Burn.

The application site is identified as 'countryside' in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) and is unaffected by any site specific policies or proposals.

Given the nature and form of the proposals it is considered that the following development plan policies are relevant:

TRA1 (B) (Strathclyde Passenger Transport), TRA2 (Walking and Cycling); TOU4 (Tourist facilities in the Countryside), INF6 (Flooding); OS3 (Open Space Provision); ENV1 Development in the Countryside); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance).

All applications require to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design and external appearance, (b) amenity, (c) Landscape Character; (d) access, road layout, parking provision and (e) water and sewerage.

Various minor applications relating to the existing site have been made over the past 13 years. None of these applications are particularly relevant to this application.

In support of the application, the applicant has submitted the following documents:

Planning and Design Statement – the submission considers that the proposals accord with the relevant development plan policies. That the rural character of the area would not be compromised and that measures to minimise visual intrusion would be put in place. The facilities are for holiday use only and would contribute to an expanded provision of high quality self-catering accommodation in North Ayrshire, with economic and employment benefits.

Statement on Environmental Issues – the submission recommends the following mitigation measures: enhanced hedgerow planting and maintenance programme, retention of the watercourse corridor, and the creation of wildlife corridors within and around the site. It advises that works close to the burn would require a CAR license. Pre-start checks for protected species should be undertaken, and if 6 months has elapsed from surveys a resurvey would be required. Disruptive works should not take place during bird breeding season (March-July). Should any sizable or unidentified mammal burrows be discovered during works the advice of an ecologist should be sought. Any changes to the course of the Daught Burn should be designed in collaboration with an ecologist.

Transport Statement – the submission considers that the proposals have been satisfactorily designed and laid out such that they can proceed.

Pre-Application Consultation Report - the submission sets out the public consultation in relation to this major application. Public consultation exercises were undertaken on 26 November and 10 December 2010. Notification of neighbours located within 2km of the site was undertaken and advertisements were placed in the Irvine Herald, Kilmaronock Standard and Ayrshire Post on 19 November and 3 December 2010. Three visitors attended the 26 November event and two gave generally positive comments and the other raised concerns in relation to traffic generation. No-one attended the 10 December event and no additional comments were received. No revisions to the proposals were made following the public exhibition and consultation exercises.

Business & Market Justification – the submission identifies a shortfall in good quality serviced and un-serviced accommodation in North Ayrshire. The size of the existing park affects its ability to be sustainable in a competitive market. Future growth in the sector is predicted and Viewfield manor is well placed to take advantage of this through the proposed upgrades. The creation of 30 jobs in the local economy is predicted, with 13 being directly on site and 17 in the wider area.

Heritage Risk Assessment – the submission finds that there are unlikely to be any archaeological issues associated to the site, although some post approval investigations may be appropriate.

2. Consultations and Representations

The application was advertised in a local newspaper, for neighbour notification purposes and as development which does not accord with the provisions of the development plan, on 25 March 2011. Two representations have been received, one of which is in support of the proposals, and can be summarised as follows:

1. Concern at the scale of the development proposed, particularly given that a considerable number of the current stands are unused.

Response – The applicant has sought to justify the scale of the development in the supporting documents (Business & Market Justification and Planning and Design Statement), which demonstrates that it is intended that the size, quality and market position of the facility is being enhanced. Significant investment in the existing park has been evidenced since the application was submitted, including the provision and upgrading of a significant number of 'pitches/stances'.

2. There is a noticeable increase in noise levels in summer and there would be increased light pollution from security lighting.

Response - Environmental Health raises no objections. It is considered that noise issues should not significantly exceed existing levels. It should also be noted that the expansion area would not be any closer to dwellings than the closest dwellings to the existing facility.

3. Increased visitors would see increased levels of traffic.

Response - Roads raises no objections, subject to conditions relating to the new junction with the A736 and signage details and locations.

4. Uncertainty of any benefits to the immediate community.

Response - The business case document is supported by Economic Development (see below). As such the proposals are considered to have benefits to the area.

5. The proposals are a great opportunity to attract more visitors/tourists to the site, something which Ayrshire needs.

Response – Noted.

Consultations

West of Scotland Archaeology Service (WoSAS) – No objections, recommend a condition be applied to any consent requiring that a programme of archaeological works is implemented.

Response – A suitable planning condition can be applied to any planning permission.

NAC Cleansing – No objections.

Response – Noted.

NAC Environmental Health – Recommend that the development is connected to the public water supply, the layout meets the model standards for caravan sites and, an amended site licence would be required to cover the entire site. Assurance is required that sewage treatment is undertaken appropriately and that SEPA is consulted. The gas storage compound should comply with the relevant Standards and Codes of Practice. Any contamination encountered should be dealt with appropriately. Construction practices should be undertaken appropriately.

Response – The site is to be connected to the public sewer. Following discussions with both Environmental Health and the applicant it has been confirmed that the layout has been designed in conformity to the model standards for caravan sites. A condition can be attached in relation to unsuspected contamination. An informative can advise of the requirement for an amended site licence to cover the entire site and that contact be made with Environmental Health regarding the other matters raised.

Scottish Water – No objections. A separate application to Scottish Water should be made for connection to their infrastructure. SUDs are required. Water storage should be provided. Other guidance is also provided.

Response – Noted. SUDs are proposed. An informative to contact Scottish Water regarding the other matters can be attached to any planning permission.

SEPA – No objections. Previous objections have been withdrawn as the proposals have been developed and the connection to the public sewer is now welcomed. No objections are raised on flood risk grounds.

Response – Noted.

NAC Roads – No objections. Previous objections have been withdrawn as the proposals have developed. Conditions advising that the proposed signs and locations for the cycle route, within the site, are to be provided at the applicant's expense with the approval of the Roads Service. A right turn lane on the A736, for which a roads construction consent (RCC) is required, is to be constructed prior to the opening of the proposed extension to the caravan park.

Response – A condition can be attached requiring that the access off the A736 is constructed and available for use at an appropriate time and that details and locations of signs are agreed in advance and provided prior to the first use of the approved facility.

East Ayrshire Council – No comments.

Economic Development – The Business and Market Justification submitted to support the application from the Tourism Resources Company is robust and demonstrates both market demand and the current under-supply of this type of accommodation in North Ayrshire. The Service provided local tourism economic and market data and was consulted on this matter earlier in the year. In terms of growing the North Ayrshire tourism economy and the expansion of accommodation stock this application can be supported as a positive development.

Response – Noted.

SNH – Advise that: measures to ensure the safety of otters and badgers such as fencing off, covering or inserting a ramp in any excavations and the capping of large diameter pipes at the end of each working day should be implemented on site. Any felling of mature, damaged or ivy clad trees should see a bat roost survey is carried out to the necessary legal specifications. If evidence of a roost is found then SNH would need to be contacted for a license prior to any felling works. Soil or vegetation clearance work should take place outwith the main bird breeding season (April to July). If this is not possible an ornithologist should be engaged to survey the ground immediately prior to such works to advise the developers of any bird nesting activity.

Response – These matters are addressed within the Environmental Statement and a suitable planning condition can be attached to any planning permission.

Coal Authority – No objections. Standing advice recommended.

Response – Noted, an informative detailing the standing advice can be attached to any planning permission.

3. Analysis

The application requires to be assessed against Local Plan Policies: TOU4 (Tourist facilities in the Countryside); INF6 (Flooding); OS3 (Open Space Provision); ENV1 Development in the Countryside); TRA1 (B) (Strathclyde Passenger Transport); TRA2 (Walking and Cycling); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance). The Councils Design Guidance relating to 'Countryside' is considered relevant.

All applications require to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design and external appearance, (b) amenity, (c) landscape character; (d) access, road layout, parking provision and (e) water and sewerage.

TOU4 (Tourist facilities in the Countryside) is the principal policy relating to developments of this type in the rural area. It sets out three criteria, which proposals should satisfy: (a) that there is demonstrable site specific locational need; (b) there is a social and/or economic benefit to the area; and (c) it is of a scale and character which is not detrimental to the amenity of the area.

In relation to (a) the proposals are clearly linked to the existing park and thus the location is deemed appropriate. It is considered that there would be social and/or economic benefits to the area, as set out in the business case document, and a supported by Economic Development, as such the proposals meet the requirements of (b). Finally, as is discussed below against ENV17, OS3 and the DC Statement, it is considered that the proposals are of a scale and character which are not detrimental to the amenity of the area.

TRA1 (B) (Strathclyde Passenger Transport) requires that significant developments demonstrate that account has been taken of public transport provision. In this regard, the site is within the rural area, but there are regular public bus services which operate in the vicinity and along the A736 corridor. As such it is considered that the proposals are reasonably well served by public transport provision.

TRA2 (Walking and Cycling) requires that account has been taken of the needs of walkers and cyclists by ensuring that: clearly signposted and well lit footpaths and cycle routes are provided; that direct footpath links to residential areas and other facilities are available; and that secure cycle parking is provided with adequate changing and shower facilities wherever possible. Again, given that the site is within the rural area, it is considered that there are limited options to influence matters external to the site. Within the site itself it is considered that footpaths and cycle facilities are acceptable, a condition requiring that advisory information and directional signage is provided can be attached to any planning permission.

INF6 (Flooding) requires that it is demonstrated that the risk of flooding can be satisfactorily addressed. As is detailed above SEPA raise no objections, following discussions with the applicant.

OS3 (Open Space Provision) requires that significant developments, which incorporate open space shall demonstrate that consideration to opportunities to locate amenity open space and wildlife areas in such a way as to establish a “green corridor” network, in the interests of amenity, outdoor recreation, landscape and nature conservation. In this regard the proposals, although an intensification in the use and physical development of the site, as well as resulting in the loss of some hedgerows, trees and green space, propose additions to and management of the remaining areas of open space and trees. Since the submission of the proposals, a revision to the design approach has been taken to reduce the visual impact of the development. Key sight-lines have been identified and avoided, with amendments to the layout such that the topography of the site is respected. Restricting development in locations of higher visibility (raised eastern shoulder) and interspersing groupings of caravan stances with planting has helped to reduce wider visual impacts. Existing hedgerows would be restocked and improved using native species, in keeping with the established landscape character and to ensure that a structural boundary along the line of the A736 is provided. On balance it is considered that the proposals address the intentions of Policy OS3.

ENV1 (Development in the Countryside), directs tourism proposals to Policy TOU4 (Tourist facilities in the Countryside).

ENV17 (Urban Fringe and Countryside Development) requires that substantial structure planting, supplemented by earthworks if necessary, be provided to soften the interface between development and undeveloped areas. In this case it is considered that the proposals satisfactorily promote sustainable economic development in the rural area and have been designed and laid out with respect to its countryside location. The level of planting to be retained, the considered approach to the layout, and supplementary landscaping scheme proposed, as discussed above in relation to OS3, would be sufficient to satisfy the intent of this policy.

BE14 (Design Guidance) does not address this form of development, however it is considered that the proposed design solution as discussed within Policy OS3, has given consideration to the relevant elements within the Design Guidance.

In relation to the Development Control Statement (DCS), criteria (a), (b), (c) (d) and (e) the following assessment is given.

(a) siting, design and external appearance, as discussed above in relation to OS3, is considered to relate well to the existing development and that the visual effects on the surrounding area and landscape would be acceptable.

(b) amenity: the Environmental Health Service has been consulted and raises no objections. It is considered that noise issues should not significantly exceed those which presently exist. It is not considered that there would be any significant amenity impacts due to other emissions or environmental pollution. The proposals incorporate landscaping proposals which are considered satisfactory. In relation to neighbouring properties it is concluded that there would not be any unacceptable impacts on amenity.

(c) landscape character, as discussed above in relation to ENV17, it is considered that appropriate regard to landscape features and the landscape character of the area has been taken. Additional planting is proposed, with positive environmental and visual benefits associated.

(d) access, road layout, parking provision – as discussed above in relation to TRA1 and TRA2, as well as the fact that roads raise no negative comments, it is considered that appropriate regard to such issues have been made.

(e) water and sewerage: Given the advice provided by Scottish Water and SEPA, it appears that the proposed development can be connected to the public water and waste water systems and that the proposed SUDs are acceptable. The applicant should contact Scottish Water in this regard, a suitable informative could be attached to advise this.

It is considered that the proposal would accord with Policies TRA1 (B) (Strathclyde Passenger Transport), TRA2 (Walking and Cycling); TOU4 (Tourist facilities in the Countryside), INF6 (Flooding); OS3 (Open Space Provision); ENV1 Development in the Countryside); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance) and criteria (a), (b), (c), (d) and (e) of the DCS and the Council's 'Countryside Design Guidance' and that planning consent should be approved subject to the aforementioned conditions.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'Ian T. Mackay', with a stylized flourish at the end.

Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
6 August 2012

For further information please contact Kristian Smith, Senior Planning Officer , on
01294 324317.

KS/JW

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 11/00002/PPM

Grant subject to the following conditions:-

1. The occupancy of any caravans shall be limited to 11 months in any one year and shall not be used as permanent residential dwellings.
2. Prior to commencement of development a timetable for the provision of the proposed access, including the right turn lane, and associated upgrades, off and to the A736, shall be agreed in writing with North Ayrshire Council as Planning Authority, thereafter the access shall be constructed and available for use in line with that approved timetable.
3. Prior to the commencement of development details shall be submitted showing the form and locations of advisory notices and signs giving direction to cyclists and pedestrians regarding public transport, responsible access, local path networks and 'quiet roads', for the prior written approval of North Ayrshire Council as Planning Authority. Thereafter such approved details shall be provided prior to the first use of the approved facility.
4. 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, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority.
5. The small scale mitigation measures recommended in the Environmental Statement, submitted in support of the application, shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
6. 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.
7. Prior to the commencement of development a programme for the undertaking of the proposed landscaping and planting schemes, including future maintenance arrangements, shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority. Thereafter such an approved programme shall be implemented to the satisfaction of North Ayrshire Council.

8. Prior to the commencement of development full details of the proposed children's play facilities, dates for provision and future maintenance arrangements, shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority. Such facilities should cater for a range of age groups and should be complementary to any other facilities within the wider site. Thereafter such approved details shall be implemented to the satisfaction of North Ayrshire Council.
9. For the avoidance of doubt the landscaping alongside the route of the A736 shall be planted to a minimum depth of 5 metres and thereafter retained, all to the satisfaction of North Ayrshire Council as Planning Authority.

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

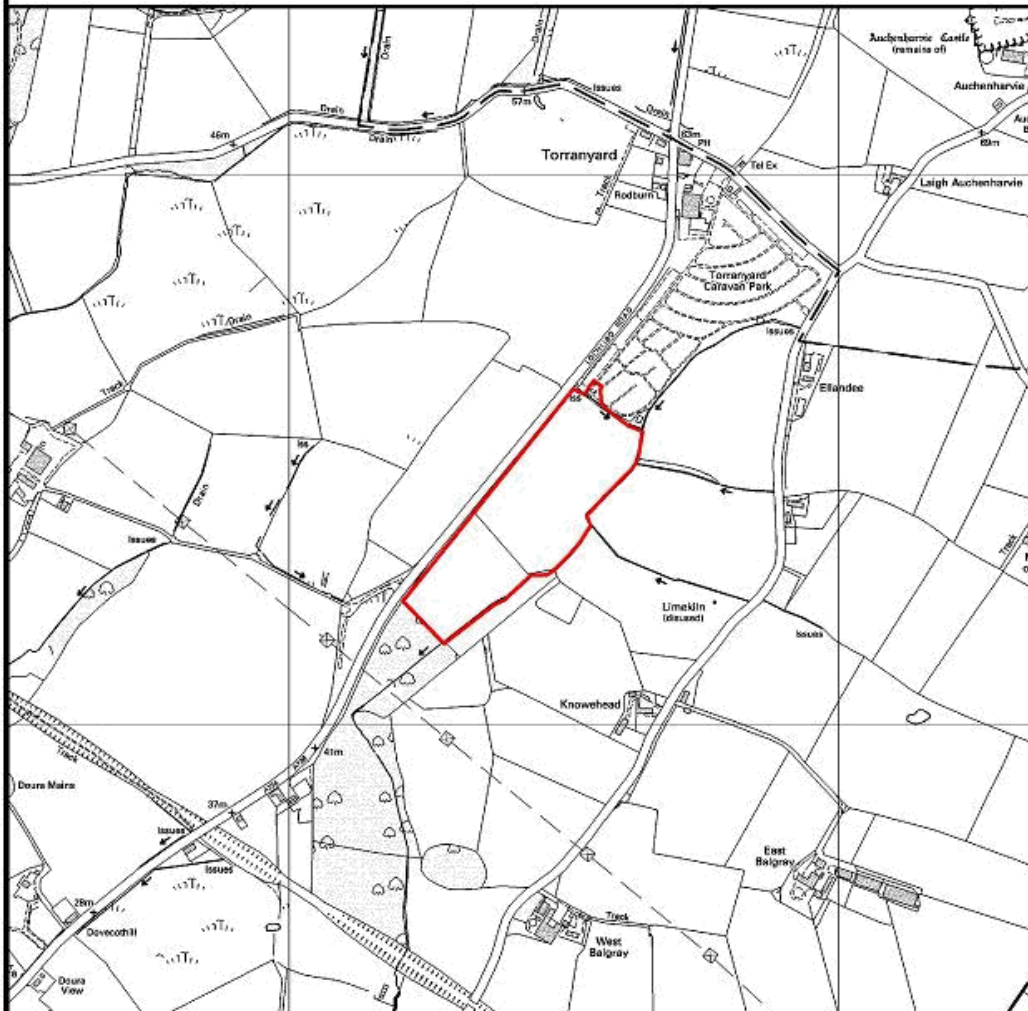
1. To ensure that caravans are not used as permanent dwellinghouses in the interests of amenity.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. In the interest of road safety.
4. In recognition of the archaeological significance of the site.
5. To ensure that protected species and other environmental matters are appropriately addressed.
6. To meet the requirements of Environmental Health.
7. In the interest of the amenity of the area.
8. To ensure that sufficient facilities are available within the approved holiday facility.
9. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

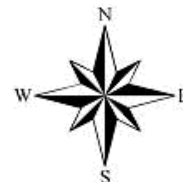
11/00002/PPM



NORTH AYRSHIRE
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 4.3

Planning Committee

Planning Area

5 September 2012**Irvine/Kilwinning**

Reference

12/00228/PPM

Application

3rd May 2012

Registered

Decision Due

3rd September 2012

Ward

Irvine East

Recommendation	Grant subject to Conditions contained in Appendix 1
-----------------------	--

Location

Broomlands Primary School
St Kilda Bank
Broomlands
Irvine
North Ayrshire

Applicant

North Ayrshire Council
Education and Skills
Cunninghame House
Irvine
KA12 8EE

Proposal

Demolition of existing primary school and erection of new primary school with associated external hard and soft landscaping, car parking, playgrounds, sprinkler tank enclosure, substation enclosure, external bin store, external equipment store, gas meter housing, CCTV cameras and external lighting

1. Description

This application is for the demolition of the existing Broomlands Primary School and replacement with a larger facility, including a nursery, at St Kilda Bank, Irvine. The facility would serve the wider Bourtreehill area and would include pupils from Fencedyke, Towerlands and Broomlands Primary Schools, which are to be closed.

The applicants advise that pupil/staff numbers would initially alter from 510/82 (combined figures for the three existing schools) to 470/55, whilst the overall capacity of the school would be increased to 610/75, allowing for future potential increases. It is also advised that the school would not reach full design capacity, and would generally balance out at 85% (c.518/64), as approved by the Council in terms of the School estate. Facilities for hearing impairment and additional support needs learning are also to be provided and are included within these figures.

The existing school comprises a single storey flat roofed building located to the central northern part of the site. Between the building and St Kilda Bank (to the north) is an area of primarily hardstanding largely used as car parking. To the south, down a small embankment, is a red blaes sports pitch and areas of maintained grass which is the main external play area for pupils. Beyond this area is a boundary fence and thereafter the ground falls down a landscaped slope to parkland and the River Annick beyond. The proposed building would be located to the rear/south of the existing school, in the location of the existing play area, with some minor reprofiling as the ground slopes away to the parkland beyond.

The proposed building would be a mixture of single and two storey, with low pitched or flat roofs, with a maximum height of 10.85m. It would have a contemporary design and appearance, the form is influenced by the internal layout, which seeks to provide both internal and external environments to develop learning. External materials comprise a mix of brick, stained timber cladding, zinc cladding and areas of glazing. The building has low energy requirements and makes use of passive design principles of: high levels of insulation, air tightness, natural lighting and ventilation.

Two vehicular access points, off St Kilda Bank, would be provided. One would be for servicing and the other for staff and visitors/parents. A separate lane is to be provided for parent drop-off of pupils, away from the main car park. Existing pedestrian accesses are to be retained and improved, with an additional pupil access created off the footpath running along the eastern boundary. The design statement indicates that this new route would facilitate safe on-foot pupil access, from Annick Country Park, to Greenwood Academy. The area of car parking, containing 79 spaces including four disabled bays, would be broken up with areas of soft landscaping. Many of the existing trees are to be retained, in the context of a wider landscaping scheme. A range of outdoor play, teaching and recreational environments will be provided to meet the varying needs within the school.

The site is located on the southern side of St Kilda Bank and backs onto Annick Country Park. The grounds are enclosed by metal fencing, with mature trees to the southern boundary and hedging along the fence to the east boundary. The site extends to approx. 1.83Ha. To the north, east and west are residential properties; to the south is Annick Country Park.

The application site is identified as both 'housing' and 'leisure and open space' in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) and is unaffected by any site specific policies or proposals.

Given the nature and form of the proposals it is considered that the following development plan policies are relevant:

TRA2 (Walking and Cycling); INF6 (Flooding); OS1 (Protection of Open Space); OS3 (Open Space Provision); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance).

All applications require to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design and external appearance, (b) amenity, (d) access, road layout, parking provision and (e) water and sewerage.

In support of the application, the applicant has submitted the following documents:

Flood Risk Assessment; Drainage Impact Assessment; Transport Assessment; Site Investigation; Coal Mining Risk Assessment; Pre-Application Consultation Report; Tree Survey; Landscape Maintenance and Management Plan; Phase 1 Habitat Survey; Acoustic Report; and a Design and Access Statement.

The Flood Risk Assessment considers that part of the site is within both the 200 and 1000 year flood plains. A small area of land raising is proposed within the flood plain (850m³ measured against the 1:1000 event) increasing flood levels by less than 5mm. This level is considered less than water surface fluctuation which would be experienced during such an event and is thus negligible and not requiring of compensatory flood storage. No downstream effects were predicted. No issues from surface water are expected.

The Drainage Impact Assessment proposes that surface water from the site be discharged to public foul and surface water sewers. SUDs are proposed to ensure that surface water discharge is suitably treated and attenuated. Discussions on these matters have taken place with Scottish Water.

The Transport Assessment recommends that a School Travel Plan (STP) is prepared. The STP should set goals to reduce the use of the car by increasing use of walking, bikes, buses, car sharing and other sustainable modes of transport. It is recommended that, to facilitate delivery, a STP co-ordinator is appointed and STP Steering Group set up, with regular monitoring and assessment. Covered cycle parking near the school entrance should be provided, equivalent to 10% of users of the facility.

The Site Investigation comprised a Stage 1 desk study which informed a Stage 2 intrusive investigation. The findings identified areas of made ground but no significant contamination. Some raising of ground levels is required, primarily in the western and southern parts of the site. It is recommended that further investigations in relation to the southern development works are undertaken to confirm appropriate engineering solutions.

The Coal Mining Risk Assessment identifies that the site has been subject to past coal mining activity. The CMRA has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping and results of past site investigations. Based on this review, it is considered that shallow mine workings potentially pose a risk to the proposed development and that further site investigation works were necessary. Further work was subsequently undertaken with the Coal Authority's permission.

The Pre-Application Consultation Report sets out what public consultation was undertaken in relation to this major application. Public exhibitions were held on both the 6 - 24 February and the 19 March - 6 April 2012 and public consultation 'drop-in' days on the 15 February and 28 March 2012. Meetings were held with Irvine Community Council and Local Councillors on the 29 February 2012. Leaflets were issued to over 180 homes around the site on 30 January 2012 and an advert placed in the Irvine Herald on the same date. A similar process was undertaken at the second stage on 12 March 2012. Posters were also produced promoting the public exhibitions and drop-in days and displayed at Broomlands, Towerlands and Fencedyke Primary Schools, Bourtrees Hill Branch Library and Towerlands Farm Community Centre. The drop-in days were attended by the same key personnel, providing consistent and knowledgeable responses. On 27 January 2012 meetings were held with Strathclyde Fire and Rescue, NAC Building Standards, NAC Environmental Health, NAC Access Officer, NAC Roads and NAC Streetscene. Continual review of feedback was undertaken by the project team. Despite inviting written comments or questions, none were received by either post or email during the consultation period. Verbal comments related to issues of parking congestion and anti social street parking, drop-off facilities, security and access, disruption during construction, level of playground provision, distances and safety of routes to School, safety from balconies, and external materials. As a result of the comments received the parking provision increased from 54 to 79 spaces, additional on site drop-off facilities were introduced, and enclosures were altered to 2.4m high to the rear and 1.8m to the front. As a result of the additional parking some playground space was removed, but the quality of the remaining space was upgraded.

The Tree Survey summarises that trees will require to be removed to facilitate the development, the majority of these trees are non-native species. Where possible trees could be transplanted elsewhere, alternatively any loss would be mitigated through a 2:1 replanting schedule. Future arboracultural management is recommended. Root Protection Areas (RPA) and crown protective barriers should be implemented during construction. The Landscape Maintenance and Management Plan supports the landscaping plans and is considered satisfactory.

The Phase 1 Habitat Survey considers that the site does not support any sites designated for nature conservation at a local or national level. Three SSSI's were identified within 5km of the site, however these are not connected by structure or function to the site. In relation to protected species; a bat survey is required to establish the use of the site to ensure that bats are not adversely affected; there is no evidence of badgers at the site. Small scale mitigation measures are recommended and reflect the limited nature of potential effects from the proposed redevelopment.

The Acoustic Report recommends measures to address any noise issues, in line with Building Bulletin BB93 'Acoustic Design of Schools'. It does not assess the detail of the proposed development and whether the design addresses these recommendations.

The Design & Access Statement concludes that the proposed building captures the key elements which will combine to make it an exciting building in which to learn. These elements include:

- a thoughtful and integrated site solution
- excellent teaching and ancillary areas
- a comfortable and motivating environment
- an exciting social environment with a new activity zone at the heart of the school providing highly flexible use of space outwith classroom areas
- a bright and airy sense of space and light in classroom areas and play spaces in the nursery inspiring and motivating pupils
- excellent support facilities for staff with ready supervision of key areas
- carefully conceived pupil movement patterns with no pinch points; and
- well planned school grounds including secure play areas which provide excellent educational and social opportunities.

The designers consider that the proposal is an exciting and functionally efficient building with the highest quality of internal and external spaces and that the building has an excellent civic presence of which pupils and staff can be proud of and associate with and engage in learning.

2. Consultations and Representations

The standard neighbour notification was issued by the Council on 3 May 2012. The application was advertised on 11 May 2012, in a local newspaper for neighbour notification purposes and as development, which is potentially contrary to the Development Plan. No representations have been received.

Infrastructure and Design Services (Roads) – no objections subject to conditions. Concerns were originally raised in relation to the volume of increased pedestrian movements and the ability of existing infrastructure to support this increase, operational issues associated to pupil "pick-up" by vehicle and the impact on St Kilda Bank, and the level of cycle parking provided on-site. The recommended conditions are: 1. Footway with a minimum of 3m, and preferably 4m, wide along the frontage of the site; 2. Road narrowing works provided at key pedestrian crossing points on St Kilda Bank; 3. Pedestrian and cycling routes to the school to be assessed and if necessary improved/widened as necessary; 4. Additional car parking to be provided within reasonable walking distance of the school to a capacity which could accommodate predicted increases; 5.

The proposed Travel Plan to be maintained and reviewed on a regular basis; 6. A minimum of 60 cycle parking places for pupils and 10% for staff to be provided to an adequate standard; 7. Details of road infrastructure alterations at the Fencedyke and Towerlands School sites, once these facilities are no longer operational; and 8. 20mph school zones are extended.

Response – Noted. Suitable planning conditions can be attached to any planning permission. In addition suitable informatives can advise the applicant to contact the Roads Service and the Access Officer to discuss the details associated to these matters and Roads in relation to the works at Fencedyke and Towerlands Schools.

NAC Access Officer – Provides comments on the Transport Assessment (TA). Consideration of the TA identifies the need for assessment of the condition of path and footway networks and their ability to sustain resultant increased use, and recommends a condition survey of the main routes would therefore be advantageous to identify if improvements are required and to provide cost estimates. For example this could include the link path between the site and National Cycle Network (NCN) Route 73 which is identified in the Design and Access Statement as the main non-motorised route to Greenwood Academy.

The TA identifies a reduction in walking to school of approximately 16% and only a limited increase in cycling. A 'Park and Stride' scheme is recommended in relation to proposed remote parking areas, reducing pressure closer to the school. The proposal to develop a School Travel Plan is welcomed and it is likely that this process will increase the frequency of active travel by pupils for the School journey.

It is recommended that the provision of cycle parking to accommodate a minimum of 10% of the overall pupil role would provide a realistic level of provision to encourage travel to and from work by bike thereby reducing the demand for car parking provision. Such provision would address the requirements of Policy TRA2.

Response – Noted. As is discussed above, in relation to the Roads Service issues, further discussions have been undertaken, seeking to resolve the concerns raised. Conditions can be attached to any planning permission, relating to: Travel Plan details; cycle parking levels and facilities; routes to schools assessment and possible improvement; can be attached. these would restrict the use of the facility until such time as the detail and timing of these matters has been agreed. An informative can require that the applicants contact the Access Officer in the formulation of these improvements.

Environmental Health – No objections, comments are made in relation to the internal layout, demolition and construction activities, that any asbestos encountered is dealt with in an appropriate way, and that waste materials are removed and disposed of in an appropriate manner.

Response - Noted. A condition can be applied to any planning permission requiring that details of kitchen ventilation arrangements are submitted for prior approval. An informative can advise the applicant to contact Environmental Health in relation to the other matters raised.

Scottish Water – No objections, it is advised that a separate application will require to be made to SW for a connection to their infrastructure. It is indicated that there is limited capacity at Bradan Water Treatment Works and that the applicant should discuss this matter directly with SW. Additionally it is highlighted that there may be a requirement for the applicant to carry out works to the local water and waste water networks to ensure no loss of service to existing customers and that the applicant should discuss this matter directly with SW. Incorporation of SUDs is recommended. Further advice relating to the incorporation of grease traps, water storage recommendations and the laying of infrastructure outwith public land is also provided.

Response - Noted. SUDS are proposed and are detailed in the submitted DIA, which it is indicated has been discussed with SW. A suitable informative can direct the applicants to discuss the other matters raised with Scottish Water.

Coal Authority – No objections. Advise they are satisfied with the broad conclusions of the information submitted in support of this application, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. No specific mitigation measures are required to address coal mining legacy issues.

Response - Noted.

Infrastructure and Design Services (Flood) – No objections on flood risk grounds. The 15.00m AOD proposed finished flood level is sufficient. The Drainage Assessment should be prepared in accordance with SUDS Manual (CIRIA report C697) and the SUDS Working Party Guidelines “Drainage Assessment, A Guide for Scotland. The discharge of storm water from the development should comply with the stipulated design criteria, current SUDS design guidance (CIRIA report C521) and any requirements of Scottish Water.

Response - Noted. As can be seen below SEPA do not object to the proposals on flood risk grounds. A drainage assessment was submitted with the application.

SEPA – No objections. Following the submission of additional information regarding flood risk and further clarifications initial objections were removed. The principal concerns related to land raising within the flood plain. Further to the additional information and clarifications submitted to SEPA in relation to flood risk, although landraising within floodplains is not generally supported, given that the proposal is for essential civil infrastructure, and it is understood no other locations/options are available, the proposal is being considered as an exception to the general position on floodplain development. As such SEPA request the extent of landraising is minimised and provision of appropriate compensatory storage is made to ensure a neutral effect on potential flood risk.

In relation to foul drainage it is advised that discharge must be to the public sewerage system and that the applicant should consult with Scottish Water in this regard. Surface Water Drainage should be in accordance with the principles of SUDS.

Response – Noted. A condition can be attached requiring that the landraising works within the floodplain are minimised and that the provision of appropriate compensatory storage is made to ensure a neutral effect on potential flood risk. A suitable informative could be attached requiring that the applicant contact Scottish Water in relation to foul drainage discharge. SUDs are proposed.

3. Analysis

The application requires to be assessed against Local Plan Policies: TRA2 (Walking and Cycling); INF6 (Flooding); OS1 (Protection of Open Space); OS3 (Open Space Provision); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance). Additionally all applications require to be assessed against the Development Control Statement (DCS) within the Local Plan, where the relevant criteria would be (a) siting, design and external appearance, (b) amenity, (c) landscape character, (d) access, road layout, parking provision and (e) water and sewerage. The Councils Design Guidance, referenced in Policy BE14 (Design Guidance), relating to 'Neighbourhoods' is also considered relevant.

TRA2 (Walking and Cycling) requires that account has been taken of the needs of walkers and cyclists by ensuring that clearly signposted and well lit footpaths and cycle routes are provided, direct footpath links to residential areas and other facilities are available, and secure cycle parking is provided with adequate changing and shower facilities wherever possible. Although these matters have been discussed with the applicants and their agents and can be addressed by a suitable planning condition requiring that an analysis of the local footpath and cycle route network is undertaken, in conjunction with the Council's Access Officer, and that the findings/recommendations resulting are implemented. In relation to cycle parking facilities additional provision, equating to 10% of the school role and staffing levels should be provided, additionally scooter parking should also be provided, a suitable condition can control this matter. Details of such cycle facilities should be agreed with the Council's Access Officer and an informative can advise the applicant to discuss details with them. The proposals comply with the aims of TRA2, subject to these conditions.

Policy INF6 (Flooding) requires that it is demonstrated that the risk of flooding can be satisfactorily addressed. This matter has been discussed with SEPA, who has removed the objection to the proposals on the grounds of flood risk, following the submission of further information regarding flood risk and further clarifications as requested by SEPA. The principal concerns related to land raising within the flood plain and an acceptable solution, including minimising landraising and providing compensatory flood storage has been agreed with SEPA. A condition can require that these works are fully detailed and implemented at an appropriate stage in the development process. It is considered that the proposals address the requirements of INF6.

In terms of Policy OS1 (Protection of Open Space) requires that proposals satisfy various criteria. The relevant criteria are 1 and 3. Criterion 1 requires that the proposed development should not have a detrimental impact upon the amenity, character and appearance of the area. These matters are discussed in detail against the Development Control Statement below and are considered to be satisfactory.

3(a) The proposals will not adversely affect the outdoor recreational value of any area of active or passive open space when considered in relation to the overall level of provision in the area. The proposals will see a significant increase in the numbers of pupils at the site and the loss of an existing sports pitch, and the majority of the enclosed playground. These changes would be addressed through the provision of an enclosed secure play area (40x30m) provided within the north eastern part of the site, and following discussion with the applicants and their agents, it has been agreed that the grass pitches, to the south of the site, will be upgraded. It is also advised that the double sized indoor games area will be available for community use outwith schooling hours. Subject to these commitments it is considered that the proposals address the requirements of 3.(a) and also of 3.(b), which requires that proposals do not set undesirable precedents for further incremental loss of open space.

OS3 (Open Space Provision) requires that significant developments, which incorporate open space shall demonstrate that consideration to opportunities to locate amenity open space and wildlife areas in such a way as to establish a “green corridor” network, in the interests of amenity, outdoor recreation, landscape and nature conservation. In this regard the proposals, although an intensification in the use and physical development of the site, as well as resulting in the loss of mainly non-native trees and green space, proposes management of the remaining areas of open space and trees, including the establishment of wetland habitats and a nursery and courtyard garden. It is proposed that the external areas shall form an integral part of the learning resource. It is considered that the proposals address the Policy OS3.

Policy ENV17 (Urban Fringe and Countryside Development) requires that substantial structure planting, supplemented by earthworks, if necessary be provided to soften the interface between development and undeveloped areas. In this case it is considered that the level of planting to be retained, and supplemented by the landscaping scheme proposed, would be sufficient to satisfy the policy.

BE14 (Design Guidance) requires that proposals comply with relevant prepared guidance. The proposal accords with Council’s ‘Neighbourhood Design Guidance’, which 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 design solution proposed has given consideration to the relevant elements within the Neighbourhood Design Guidance.

In relation to the Development Control Statement (DCS), criteria (a), (b), (c) (d) and (e) the following assessment is given.

- (a) siting, design and external appearance, the existing school is a prominent feature on St Kilda Bank but is well screened by extensive landscaping to the south, across Annick Country Park. The proposed replacement school is to be positioned to the rear of the existing building and will require removal of a number of trees, resulting in the opening of the views across Annick Country Park. The proposed school is considered to be of a high standard design, scale and finish, in relation to its location and in association to its surroundings, and would provide a positive impact on the character and appearance of the surrounding area. It is also considered that given the improvements to the school grounds and boundary arrangements / planting there would be a further positive visual impact.
- (b) amenity, it is considered that noise issues have been discussed in the Noise Assessment, the findings of which should be implemented in the detailed design of the facility. It is not considered that there would be any significant amenity impacts due to other emissions or environmental pollution. The proposed landscaping proposals are considered satisfactory. In relation to neighbouring properties it is concluded that there would be no unacceptable impacts on privacy, sunlight and daylight.
- (c) landscape character, as discussed above in relation to BE14 and ENV17, it is considered that appropriate regard to landscape features and the landscape character of the area has been addressed. Additional planting is proposed, with positive environmental and visual benefits associated.
- (d) access, road layout, parking provision – subject to the matters discussed above in relation to the consultations with NAC Roads, the NAC Access Officer and Policy TRA2, and the recommended conditions, it is considered that the proposals address the requirements of criterion (d).
- (e) water and sewerage - given the advice provided by Scottish Water and SEPA, the proposed development can be connected to the public water and waste water systems.

In conclusion it is considered that the proposal would accord with Policies TRA2 (Walking and Cycling); INF6 (Flooding); OS1 (Protection of Open Space); OS3 (Open Space Provision); ENV17 (Urban Fringe and Countryside Development); and BE14 (Design Guidance) and criteria (a), (b), (c), (d) and (e) of the DCS and the Council's 'Neighbourhood Design Guidance' and that planning consent should be approved subject to the aforementioned conditions.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'I. T. Mackay', with a stylized flourish at the end.

Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
3 August 2012

For further information please contact Kristian Smith, Senior Planning Officer , on 01294 324317

KS/LN

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00228/PPM

Grant subject to the following conditions:-

1. Prior to the commencement of the use of the school, hereby approved, a footway with a minimum width of 3m, and preferably 4m, along the frontage of the site shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of such improvements shall be submitted for the approval in writing, of North Ayrshire Council as Planning Authority.
2. Prior to the commencement of the use of the school, hereby approved, road narrowing works at key pedestrian crossing points on St Kilda Bank, shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of these works shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of the use of the school, hereby approved, pedestrian and cycling routes to the school shall be assessed and if necessary improved/widened as required. Details of any improvements shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
4. Prior to the commencement of the use of the school, hereby approved, additional car parking shall be provided, within reasonable walking distance of the school, to meet the required capacity. Details of the improvements shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
5. Prior to the commencement of the use of the school, hereby approved, the measures identified within the proposed Travel Plan, as outlined in the submitted Transport Statement, shall be implemented and thereafter maintained and reviewed on a regular basis. Details of the final Travel Plan shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
6. Prior to the commencement of the use of the school, hereby approved, a minimum of 60 cycle parking places for pupils and 10% for staff and ancillary facilities, shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of these facilities shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
7. Prior to the commencement of the use of the school, hereby approved, the 20mph zones at the school shall be extended to an agreed standard. Details of the extended zones shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

8. Prior to the commencement of the use of the school, hereby approved, details of the kitchen ventilation arrangements shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.
9. Prior to the commencement of the development, hereby approved, full details of the revised landraising works within the floodplain and the compensatory storage provision shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter the details, as may be approved, shall be implemented within an agreed timescale to the satisfaction of North Ayrshire Council as Planning Authority.
10. Prior to the commencement of the use of the school, hereby approved, details of the upgrades to the sports pitches to the south shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter the upgrades, as may be approved, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
11. The proposed landscaping and planting works shall be undertaken during the first available planting season to the satisfaction of North Ayrshire Council as Planning Authority, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
12. The details contained within the Noise Assessment Report, submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To meet the requirements of North Ayrshire Council as Roads Authority.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. To meet the requirements of North Ayrshire Council as Roads Authority.
4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. To meet the requirements of North Ayrshire Council as Roads Authority.
6. To meet the requirements of North Ayrshire Council as Roads Authority.

7. To meet the requirements of North Ayrshire Council as Roads Authority.
8. To meet the requirements of Environmental Health.
9. To meet the requirements of the Scottish Environment Protection Agency.
10. To ensure that adequate recreational facilities are available to serve the approved development.
11. In the interest of the amenity of the area.
12. In the interest of the amenity of the area.

Reason(s) for approval:

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

Committee Plans

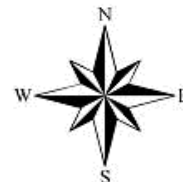
12/00228/PPM



NORTH AYRSHIRE
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 5

5 September 2012

Planning Committee

Subject: **Enforcement Notice: Ardrossan: 1 Montfode Court**

Purpose: To seek approval to serve an Enforcement Notice to secure the removal of an unauthorised shed.

Recommendation: That the Committee approves the serving of an Enforcement Notice to effect the removal of the unauthorised shed.

1. Introduction

- 1.1 This report recommends the service of an Enforcement Notice requiring the removal of a wooden shed from the garden to the northern side of 1 Montfode Court, Ardrossan, KA22 7NJ.
- 1.2 No. 1 Montfode Court is a corner plot located at a crossroads within Montfode Court, a residential development in the north of Ardrossan. The northern elevation of the property is its side elevation which fronts the road. The northern elevation is in line with the northern elevations of 2 to 7 (consecutive) and 47 to 52 (consecutive) Montfode Court. The northern elevation of 2 to 7 and 47 to 51 Montfode Court are the front elevations of those properties.
- 1.3 The shed, the subject of this report, is constructed of timber and almost rectangular in plan, measuring 2.72 metres long and between 2.52 metres and 2 metres in width. The shed has a shallow mono-pitch roof which is 2.115 metres above ground level at its highest point. The shed has been erected within the north east corner of the curtilage of the property adjacent to the boundary with the pavement, leading to 2 to 7 Montfode Court. The shed is therefore forward of the building line which comprises the front elevation of the majority of the properties.

- 1.4 The shed is sited in an obtrusive position forward of a clearly identified building line set by numbers 1 to 7 (consecutive) and 47 to 52 (consecutive) Montfode Court and as such has a significant adverse impact on visual amenity. Due to its position forward of the established building line, its detrimental impact on the character and appearance of the area and its adverse impact on visual amenity, the shed is contrary to Criteria (a) *Siting, Design and External Appearance* and Criteria (b) *Amenity* of the Development control Statement of the adopted North Ayrshire Local Plan (excluding Isle of Arran).

2. Current Position

- 2.1 On 12 August 2010 a complaint was received that a shed had been erected forward of the northern elevation of the property. A letter dated 20 August 2010 was sent to the owner, advising that planning permission was required. The letter invited an application but stated that there was no guarantee that the application would be granted.
- 2.2 On the 21 October 2010, a valid application for planning permission to retain the shed was received. The application for planning permission was refused on 20 December 2010, under delegated powers (ref: 10/00628/PP). An application to have this decision reviewed was submitted outwith the statutory timeframe and could not be considered by the Local Review Body. This decision was noted by the Local Review Body at its meeting of 31 May 2011.
- 2.3 By letters dated 10 January 2011 and 11 July 2011, the owner of the property was advised that, as the shed had not been removed, then formal enforcement action would be commenced. A site inspection on 16 July 2012 confirmed that the shed had not been removed.
- 2.4 By letter dated 8 August 2012, the owner of the property was advised that as the shed had not been removed, formal enforcement action would be commenced. Seven days were given for any representations to be taken into account when considering the expediency of enforcement action. No response was received.

3. Proposals

- 3.1 Within the last 4 years and without the benefit of planning permission, an unauthorised shed has been constructed forward of the side elevation, which fronts the road, at 1 Montfode Court, Ardrossan. The shed by way of its location is harmful to the amenity of the area and is contrary to the Development Control Statement of the adopted Local Plan.

- 3.2 In the interests of the amenity of the area, it is proposed that an Enforcement Notice should be served in terms of Section 127(1) of the Town and Country Planning (Scotland) Act 1997 to secure the removal of the shed.

4. Implications

Financial Implications

- 4.1 The cost of carrying out enforcement action will be met from existing budgets.

Human Resource Implications

- 4.2 N/A.

Legal Implications

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

Equality Implications

- 4.4 N/A.

Environmental Implications

- 4.5 N/A.

Implications for Key Priorities

- 4.6 The proposed Enforcement Notice supports the Single Outcome Agreement, Local Outcome 12A - "The Environment is Protected and Enhanced".

5. Consultations

- 5.1 None required.

6. Conclusion

- 6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to remove the shed, with no action being taken by him to deal with the situation since refusal of his retrospective application and failure to submit a timely request for review. The service of an Enforcement Notice would appear the only option open to the Council to ensure compliance with the Town and Country Planning (Scotland) Act 1997.



IAN T MACKAY
Solicitor to the Council

Reference : ID/FG

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

Background Papers

None

Enforcement Notice

1 Montfode Court, Ardrossan



NORTH AYRSHIRE
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

Not To Scale

