

Cunninghame House,
Irvine.

15 September 2016

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 21 SEPTEMBER 2016** at **14.00 a.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes (Page 5)

The accuracy of the Minutes of meetings of the Committee held on 31 August 2016 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Garnock Valley

Submit reports on the following application:

16/00814/PPP: Site to the East of 1 Kirkland Crescent, Dalry (Page 13)

Residential development (in principle) (copy enclosed).

4. Irvine and Kilwinning

Submit report on the following application:

16/00807/PP: Elderbank Primary School, St. Kilda Bank, Irvine (Page 21)

Removal of condition 4 of permission no. N/12/00228/PPM to delete the requirement for the provision of an overspill car park (copy enclosed).

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 42A Hamilton Street, Saltcoats KA21 5DS (Page 29)

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

6. Revocation Order of Tree Preservation Order, Millport No1 (Page 35)

Submit report by the Chief Executive on a Revocation Order of Tree Preservation Order Millport No1 (copy enclosed).

7. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
31 August 2016

Irvine, 31 August 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Robert Barr, John Bell, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

John Ferguson.

1. Chair's Remarks

The Chair agreed, in terms of Standing Order 9.3, to vary the order of business to allow earlier consideration of Agenda Item 6.2 (16/00561/PPPM: Site to the North West of Chapelton Mains, Seamill).

2. Declarations of Interest

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

3. Minutes

The accuracy of the Minutes of meeting of the Committee held on 10 August 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. 16/00561/PPPM : Site To North West Of Chapelton Mains, Seamill, West Kilbride

Hope Homes (Scotland) Ltd, have applied for planning permission in principle for the erection of a residential development with associated access roads, open space, landscaping and other required infrastructure at the site to the north west of Chapelton Mains, Seamill. Sixty letters of objection were received, as detailed in the report.

Ms K McCallum (objector) and Mrs D Murray (objector) addressed the Committee in support of their objections.

Ms McCallum advised that the existing infrastructure within the village would be unable to cope with the level of housing outlined within the Local Development Plan (LDP). Traffic congestion is already an issue within West Kilbride and the addition of 124 houses would exacerbate the congestion. The local school, Doctors Surgery and Dentist are at maximum capacity and would be unable to accommodate such an increase in population.

Mrs Murray commented that a long term Strategic Plan was required for West Kilbride. The village has adequate provision of 3 and 4 bedroom homes and requires affordable housing to meet the needs of the community. West Kilbride has a large elderly population who require ground floor flats and bungalows to allow them to downsize but remain within their community. She advised that a Housing Needs Assessment was required to ensure appropriate housing provision for West Kilbride. Mrs Murray added that the Council has made no budgetary provision to address traffic management in the Traffic Management Plan. The local primary school is already at capacity and the noise level in the open plan environment requires some pupils to wear ear defenders. Concerns in relation to drainage and flooding were also expressed.

Mr S Graham (McInally Associates Ltd) on behalf of the applicants, Hope Homes, then addressed the Committee in response to the issues raised.

He advised that the planning application accords with the Local Development Plan. A number of reports were provided in support of the application and included a Pre-Application Consultation Report, a Transport Assessment, an Outline Masterplan and Drainage Strategy Report. The objections raised have been acknowledged and addressed within the reports or by the conditions recommended by the planning officer. He stated that the proposal accords with the relevant policies and there are no sound planning reasons for refusal.

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

- objections were made from the community to the Local Development Plan's proposed allocation of land for housing;
- the view of the objectors that there had been a short period of time for consultation;
- the capacity of West Kilbride Primary School and roll projections for St. Peter's Primary School, and local secondary schools; and
- consultation with the local community on the range of housing for the site.

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

- that the Reporter did not find that there had been insufficient consultation in relation to the Local Development Plan;
- a late objection that had been received but already addressed in the report;
- Condition 4 that requires to be amended due to applicant having provided the investigative survey;
- the removal by the Council of areas previously allocated for housing in the LDP and the reinstatement of these areas by the Reporter;
- the capacity of local schools that required to be assessed in terms of the school roll and projections over future years;
- that no concerns were expressed by NHS Ayrshire and Arran in respect of the capacity of health services in West Kilbride during the LDP engagement process;
- the phasing of the development over a 9 year period; and
- subsequent applications in respect of the design and style of housing that would be presented to the Planning Committee for consideration.

Councillor Bruce, seconded by Councillor Barr, moved that the application be continued to allow for a site visit to the site and the village centre.

As an amendment, Councillor Steel, seconded by Councillor Bell, moved that the Committee approve the application, subject to the conditions within the report (with the exception of the reference within Condition 4, relating to the investigative survey).

On a division, there voted for the amendment 6 and for the motion 2, and the amendment was declared carried.

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

- 1 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
- 2 That prior to the submission of the first application for the approval of matters specified in conditions (MSC) a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

- 3 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 4. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.
- 4 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development. For the avoidance of doubt the detailed masterplan shall take into account archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2 and 3 respectively, and shall incorporate details in relation to:
 - the means of access to the site, including at least one vehicular connection from the public road network into the site and at least two multi-user links including links into the wider settlement of West Kilbride;
 - the street layout;
 - all hard and soft landscaping;
 - areas of open space; and
 - areas for children's play.

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

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

- 5 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), details of proposed affordable housing contributions shall be provided. For the avoidance of doubt a contribution rate of 25% will be applied to those units associated with the private housing site.
- 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 That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 8 That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 9 The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

Councillor Cullinane left the meeting at this point.

5. Isle of Arran

16/00545/PP: Cottages 1, 3 & 4 Kilmichael Country House Hotel

Mr Botterill, Kilmichael Country House Hotel, Brodick, Isle of Arran has applied for an amendment to planning permission N/05/00248/PP for a change of use from holiday letting cottages (cottages 1, 3 and 4) to permanent dwellinghouses in respect of condition 7 of planning permission N/05/00248/PP. One letter of support was received as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continue the application to the next meeting to allow a site visit to take place and for further discussion to take place with the applicant on a range of other options in respect of the application. The applicant has since advised of their intention to withdraw the application. Therefore the arrangements for the site familiarisation visit were continued awaiting clarification of the applicants intentions with regard to the application.

The Committee was advised that the applicant had withdrawn the application.

Noted.

6. Garnock Valley

6.1 16/00632/PP: Lintseedridge Farm, Dalry

Mrs Sheena Harper per Bryce Boyd Planning Solutions, Ellersleigh, Castlehill Road, Kilmacolm has applied for the removal of Condition 4 of permission no. CH/82/0151 to allow occupancy of a non-agricultural worker at Lintseedridge Farm, Dalry.

The Committee agreed to grant the application.

6.2 16/00698/PP: 67 Stoopshill Crescent, Dalry

Mr James Taylor, 67 Stoopshill Crescent, Dalry has applied for planning permission for the formation of stairs to rear of semi-detached dwelling house, to include a reduced platform area and trellis screen at 68 Stoopshill Crescent, Dalry. A representation was received as detailed in the report.

The Committee agreed to (a) grant the application, subject to the following condition; and (b) to take Enforcement Action, if the unauthorised structure is not removed:-

1. That within 3 months of the date of this permission, details of the screen to be installed on the north-west elevation of the landing platform shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The screen as may be approved shall be erected as part of the modification works hereby approved and shall be retained permanently, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. Irvine and Kilwinning

16/00638/PP: Middleton Farm, Perceton Gate, Irvine

Mr Trevor Hamilton, Middleton Farm, Perceton Gate, Irvine has applied for the removal of Conditions 3 and 4 of permission ref. N/03/00035/PP (occupancy restrictions) at Middleton Farm, Perceton Gate, Irvine, as detailed in the report.

The Committee agreed to grant the application.

8. North Coast and Cumbrae

8.1 16/00268/PP: Hunterston Construction Yard, Fairlie

Clydeport Operations Limited, 16 Robertson Street, Glasgow have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 1 of planning permission 11/00230/PPM to remove the temporary restriction on the use of the site at Hunterston Construction Yard, Fairlie, as detailed in the report and outlined at Appendix 1a to the report. Three objections and a representations were received, as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continued consideration of the application to allow for a site familiarisation visit by the Members of the Committee. A letter in support of the application was received and circulated at the meeting on 10 August 2016. The site familiarisation visit was held on 25th August 2016.

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

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose.
2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction.
3. That all processes and activities shall be carried out in such a manner as to minimise nuisance by way of noise, dust, smell, vibration or pollution of the sea.
4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.
5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.
6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.

7. That the hours of operation of the site for vessel construction and/or repair and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.
8. That should the authorised use of the site, as detailed in Condition 1, be discontinued for a period in excess of one year, all redundant buildings or structures, including lighting columns and any scrap materials remaining on the site shall be removed and thereafter the site shall be maintained in a tidy and safe condition, to the satisfaction of North Ayrshire Council as Planning Authority.
9. **Notices under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 'Kirkton Touring Park,' Millport Holiday Park, Millport, Isle of Cumbrae KA28 0HB**

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permission (ref: CH/87/746/S), granted on 27 April 1988 for the change of use of waste ground to a caravan park and the formation of an associated access. The permission was granted subject to several conditions including Condition 1, which states that the site shall not be used as a caravan site between 1 October in any one year and 1 March in the succeeding year; and Condition 2 which states that the site shall be used for touring caravans and for no other purpose.

The Council received a complaint in 2015 that the static caravans were on site, in breach of Condition 2. It was also alleged that the land was used all year round in breach of Condition 1. Inspections of the site between 31 October 2015 and 1 March 2016 have revealed that the land is used as a caravan site in contravention of Condition 1 of the permission and that the site is used for static caravans and other associated structures, which is in contravention of Condition 2.

In the interests of the amenity of the area and to prevent permanent occupation of the site, it is proposed to issue a Breach of Condition Notice requiring the following actions, in respect of Condition 1 and 2 of the planning permission dated 27 April 1988 (ref: CH/87/746/S) to remove all static caravans and associated structures, including any decks, steps and underbuild and use the site only for touring caravans and no other purpose between 1st March and 31st October in any year. It is proposed that the compliance period be before 1st November 2016, which allow sufficient time for the removal of the non-touring caravans and associated structures and would align with the date on which the use of the site must cease each year.

The Committee agreed to (a) approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permission (ref: CH/87/746/S); and (b) that the compliance period be before 1 November 2016.

The meeting ended at 3.10 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

21 September 2016

Locality

Garnock Valley

Reference

16/00814/PPP

Application

25 August 2016

Registered

Decision Due

25 October 2016

Ward

Dalry and West Kilbride

Recommendation	Grant with Conditions contained in Appendix 1, subject to no material objections being received before 29 September 2016
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Location	Site to the East of 1 Kirkland Crescent Dalry
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Applicant	Mr W Ahmed 17 Ayr Road Glasgow G46 6SB
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Proposal	Residential development (in principle)
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1. Description

This application seeks planning permission in principle for residential development to the east of 1 Kirkland Crescent, Dalry. The application site relates to an area of maintained grassland of approx. 877sqm. situated to the north west of the junction of West Kilbride Road and Craig Avenue. The site is located within an area characterised by two-storey semi-detached and terraced properties and is opposite a play area to the east side of Craig Avenue. Beyond the southern boundary of the application site, the open space continues westwards between West Kilbride Road and the rear boundaries of the residential properties at Kirkland Crescent.

The application site forms part of an area of maintained grassland that is identified as protected open space in the adopted Local Development Plan (LDP), where the relevant policy is ENV 12 (Development of Open Space).

The proposal also requires to be assessed against the General Policy contained within the LDP with the relevant criteria being (a) Siting, Design and External Appearance, (b) Amenity and (d) Access, Road Layout, Parking Provision.

Planning permission was refused in August 2008 for the erection of 2 dwellinghouses and a shop (ref: 08/00554/PP). The 2008 application was refused on the grounds that the applicant had failed to demonstrate a local need for the shop and it was considered that the development would have an adverse impact on the character, appearance and amenity of the area.

In support of the proposal to develop an area of protected open space, the applicant's agent has submitted a landscaping scheme for improvements to the adjacent areas of open space.

An aerial photograph held by the Council indicates that there was a small building on the site with a frontage onto Craig Avenue. The building was used either for retail purposes or as a games hall, and was demolished during the 1970s. Since that time, the Council has maintained the site although is not the owner of the land.

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures and the application was also advertised in a local newspaper. The period in which representations may be lodged does not expire until 29 September 2016. To date, no objections have been received.

Consultations have been undertaken with NAC Streetscene and NAC Transportation, neither of whom have expressed objection to the proposed development.

3. Analysis

The application site is within an area of protected open space as identified within the Adopted Local Development Plan (LDP) and requires to be assessed against criteria 2 and 3 of Policy ENV 12, which states that:-

2. Where the proposed development is for a use other than outdoor recreational or physical activity purposes, it will not set a desirable precedent for further incremental loss of open space
3. The proposed development will not unacceptably impact upon the recreational and/or amenity value of any area of active or passive open space when considered in relation to the overall level of provision in the local area.

Taking both points together, the application site is near to a large children's play area to the east of Craig Avenue. The play area includes a large tarmac playground for ball games and there is also an equipped play park. The play area is bounded on three sides by streets and is overlooked by the frontages of a row of houses on Kirkland Crescent. In contrast to the play area, it is considered that the application site is not comparable as a functional area of open space due to its restricted size and position. Since it is on the opposite side of Craig Avenue, the application site is outwith the play area and appears separate and remote. Furthermore, the application site has no particular amenity function, and, whilst the grass is regularly mown by the Council, it is not landscaped in any way.

Given the history of the site, part of which was previously developed, it is not considered that the proposed residential development would set an undesirable precedent for further loss of open space in the area, having regard to its position between existing housing and roads and its separation from the play area by Craig Avenue.

When viewed from West Kilbride Road, the application site occupies a visually prominent position and acts as a gateway into the Kirkland Crescent and Craig Avenue housing area. The applicant's agent has submitted an indicative landscaping scheme for improvements to the quality of the adjacent area of open space, which would include tree and shrub planting. It is considered that development of the application site together with appropriate landscaping could significantly improve the appearance of the area by creating 'gateway' housing facing onto the street together with planting that would enhance the setting of the housing estate. Whilst the current application is in principle, the applicant's agent has confirmed that he is committed to a design and layout that would ensure that the development would result in positive amenity benefits to the area. Given the above, it is considered that the proposal would comply with Policy ENV 12.

In terms of criteria (a) and (b) of the General Policy, the proposal is in principle and as such design and layout would be considered in any subsequent application for the approval of matters specified in conditions. The dwellinghouses proposed in the previous application (ref: 08/00554/PP) that was refused in 2008 were considered to be of a 'standard' design with a frontage to Kirkland Crescent and rear elevations onto West Kilbride Road. However, as discussed above, design and layout would be a key consideration to ensure that the development would be appropriate and provide a visual improvement to the area to the benefit of amenity. To the west of the site, the rear elevations houses on Kirkland Crescent back onto a wide verge, beyond which is West Kilbride Road. Notwithstanding this established pattern of development, it is considered that any subsequent application for new dwellinghouses provides the opportunity for street frontages onto both Kirkland Crescent and Craig Avenue. Together with the proposed landscaping, such a layout would provide a more attractive entrance into Craig Avenue from West Kilbride Road. An appropriate condition could be attached with respect to the landscaping. It is therefore considered that the proposal would accord with criteria (a) and (b) of the General Policy.

In respect of criterion (d), details of the access and parking arrangements would be considered on the submission of any subsequent application.

In view of the above, it is considered that the proposal would accord with the relevant provisions of the Local Development Plan and that the small loss of protected open space could be justified given that the development would have no impact on the main area of open space serving the housing estate. Planning permission should therefore be granted, subject to conditions.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
7 September 2016

For further information please contact Fiona Knighton , on 01294 324313

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00814/PPP

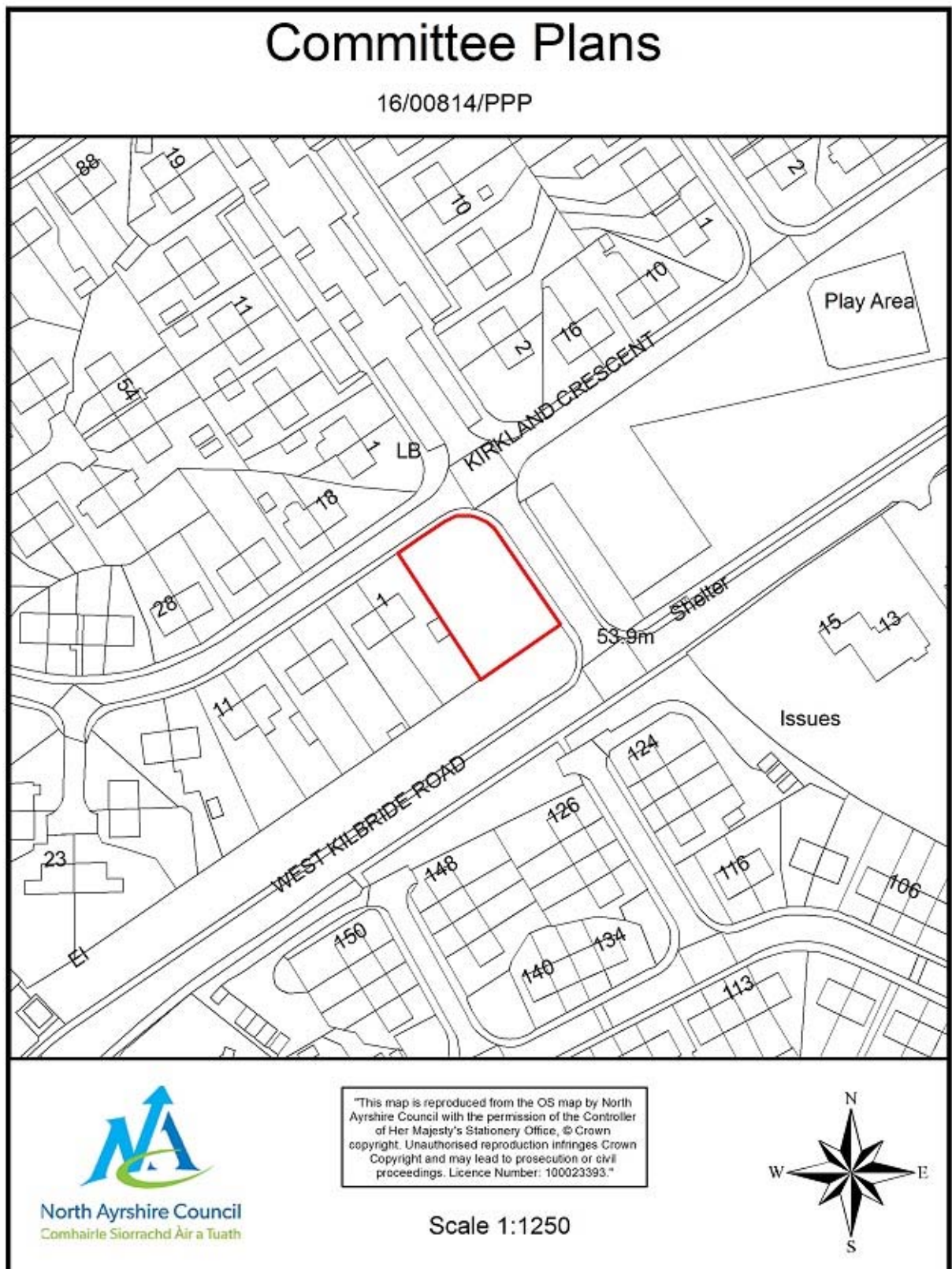
Grant subject to subject to no material objections being received before 29 September 2016 and the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That all planting, seeding or turfing comprised in the approved details of landscaping (drawing no. (10)03 A) shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In order that these matters can be considered in detail.
2. In the interest of the amenity of the area.

Location Plan



NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

21 September 2016

Locality

Irvine

Reference

16/00807/PP

Application

25th August 2016

Registered

Decision Due

25th October 2016

Ward

Irvine East

Recommendation	Grant without conditions as per Appendix 1
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Location	Elderbank Primary School, St. Kilda Bank, Irvine
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Applicant	North Ayrshire Council (Property Management and Investment) Cunninghame House Irvine
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Proposal	Removal of condition 4 of permission no. N/12/00228/PPM to delete the requirement for the provision of an overspill car park
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1. Description

Approval is sought to remove condition 4 of the planning permission for Elderbank Primary School, which was granted by the Council's Planning Committee in September 2012. The primary school roll is presently 477, with capacity for a total of 540 in addition to 34 pre-school children. There are 42 teaching staff and 29 ancillary staff who work at Elderbank. Within the school grounds, there are 80 parking spaces in addition to a pupil drop-off/pick up area which can accommodate around 7 cars.

Condition 4 of the planning permission required that an overspill car park be provided in the vicinity of the school. The requirement for the condition was based on a transport assessment undertaken during the planning stage which had recommended that there would be a shortfall of 50 parking spaces within the site based on the projected occupancy of the school.

Upon completion of the school, there was opposition from a group of local residents to the provision of a new car park on the only suitable site in the area, which is located to the west of the school beyond a group of houses. The grounds of objection to the overspill car park were largely due to the loss of a greenspace, which included an area of semi-mature woodland, as well as the additional traffic generated at St Kilda Bank during peak school arrival and departure times.

Officers from NAC Property Management and Investment (PMI) have since investigated the matter and commissioned a report from a firm of specialist transport consultants, JMP, who had prepared the original transport assessment during 2012.

The report included a series of recommendations, including the undertaking of physical traffic management works outside the school, such as the provision of bollards and new road markings. These recommendations were implemented at the site in April 2016. The consultants also undertook various surveys and their report has concluded that the school can function adequately without the overspill car park.

Further surveys have also been undertaken by PMI, and the school itself has been active in promoting 'park and stride' locations near the school in order to reduce traffic congestion and encourage more walking from outlying areas.

If approved, there would be no requirement to provide the additional 50 space car park and the greenspace area would remain undeveloped.

The application site is located within a residential area in terms of the adopted Local Development Plan. Following the approval of planning permission in September 2012, Elderbank Primary School was completed in 2014. It is the replacement school for Broomlands, Towerlands and Fencedyke Primaries which had served the Bourtreehill and Broomlands areas of Irvine.

The application requires to be considered in terms of Policy PI 1 (relating to walking, cycling and public transport) and the General Policy of the adopted Local Development Plan.

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures. No representations have been received.

Pre-consultation was undertaken by PMI with Planning Services and the Council's Transportation Officers.

The Transportation Officers are supportive of both the traffic management measures and park and stride initiative that has been adopted. Transportation Officers have also observed school departure and arrival times and are satisfied with the proposal.

3. Analysis

The proposal requires to be considered in terms of LDP Policy PI 1 and the General Policy, taking into account the supporting information which has been submitted.

The emphasis of Policy PI 1, which was adopted as part of the LDP in 2014, is to encourage a modal shift in transport and travel. Policy PI 1 is applicable to new developments where there would be significant trip generation, and is applicable to the development of schools. The policy encourages active travel, such as walking and cycling, as well as public transport, in preference to car journeys. There was no equivalent policy within the former Local Plan when Elderbank Primary School was granted planning permission in 2012.

The applicant has demonstrated that, since Elderbank Primary was completed, a significant effort has been made by PMI and the school community to reduce the impact of car journeys in the vicinity of the school as part of a travel plan. This has involved measures aimed at influencing supply and demand. On the supply side, unauthorised or unsafe parking has been tackled through the use of improved white lining and the introduction of bollards. This has acted to reduce parking across driveways and parking on pavements near the school. On the demand side, a park and stride system has been introduced, which encourages drop-offs and picking-up further away from the school in areas that are within easy walking distance. There has also been improved management of the drop-off and pick-up areas within the school itself, resulting in better traffic flow during peak arrival and departure times.

It is considered that the efforts which have been made to date have demonstrated that there is no justification to provide an additional 50 car parking spaces near to the school. To do this would attract additional traffic into a residential area, encourage unsustainable travel patterns and undermine the benefits of the work which has been undertaken by the school and PMI to manage the transport and travel impacts of the development and encourage active travel. The school will continue to manage the parking area within the site and PMI will continue to monitor the impacts on the surrounding streets. It is considered that the proposal to delete the requirement for a second car park outwith the school boundary would accord with Policy PI 1.

In terms of the General Policy, the relevant criteria are (b) amenity and (d) access, parking and layout. In respect of (b), it is considered that the provision of an additional 50 space car park would attract additional traffic into the area with a consequent adverse effect on residential amenity. In respect of (d), it is considered that the layout of the existing car parking area adequately caters for the school. The supporting information demonstrates that there is no justification for providing additional car parking as a result of the measures which have been taken since the school opened. It is therefore considered that the proposal to remove condition 2 would accord with the General Policy. There are no other material considerations.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', is positioned above the printed name.

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
7 September 2016

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00807/PP

Grant (No conditions).

Reason(s) for approval:

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

Committee Plans

16/00807/PP

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

NORTH AYRSHIRE COUNCIL

Agenda Item 5

21 September 2016

Planning Committee

Title: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 42A Hamilton Street, Saltcoats KA21 5DS**

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

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

1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land at 42A Hamilton Street, Saltcoats. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 No. 42A Hamilton Street comprises a residential flat on the west side of Hamilton Street. It consists of the upper floors of a mid-terrace property with associated rear garden ground which opens onto at its western end Park Road. The rear elevation of the garden comprises a high rendered wall with an opening in which is sited a shed. The rest of the opening next to the shed had been covered by a gate. The property is located within the Town Centre of Saltcoats, with residential properties to all sides and commercial uses in the ground floors of properties on Hamilton Street.

- 1.3 The former gate access has collapsed and there has been an accumulation of waste at the western end of the garden, including the remains of the gate. The side elevation of the garage has been exposed by the collapse of the gate and the side door of the garage is hanging on its hinges. The front elevation of the garage has had graffiti sprayed on the door which has also become rusted. The garden ground is at its eastern end is overgrown and screened by the large rear extension to the north and the side of the property to the south. It is therefore considered that the adverse impact is primarily on Park Road to the west. The land is visible from Park Road and nearby residential properties both on it and Eglinton Place. The condition of the land, due to the accumulation of refuse and the rear window, has a significant adverse impact on the amenity of the local area.

2. Background

- 2.1 The site is the rear garden of a residential flat which has a collapsed rear gate, dilapidated garage and has had an accumulation of refuse and waste. The land is identified in the Local Development Plan as within the Town Centre of Saltcoats.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land in May 2016, revealed the condition of the site. The owner of the land was requested in writing to clear the site and secure to prevent further deterioration. A response was not received. Further inspections were carried out in July 2016 where it was noted that no action had been taken and the condition of the land remained the same. Further letters were sent to the owner requesting clearance. However, again no response was received.
- 2.3 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The garage and the land area where the refuse is located is visible from the public road and adjacent residential properties.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
- (i) Removal of all refuse, including the remains of the gate, from the land to the south of the garage; and
 - (ii) Re-affix the side door of the garage; and
 - (iii) Paint a recessive colour the garage door on the elevation facing onto Park Road.

- 3.3 It is proposed that the owner would be given 28 days from the date of any Notice taking effect in which to carry out the requirements.

4. Implications

Financial:	Should any of the requirements of the Notice not be complied with following the expiry of the compliance period, the Council as Planning Authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person(s) who was then the owner or lessee any expenses reasonably incurred during the carrying out of these works.
Human Resources:	N/A
Legal:	The proposed Notice is in accordance with Statutory Regulations
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations"
Community Benefits:	The proposed Notice would address complaints regarding the condition of the site.

5. Consultation

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



KAREN YEOMANS
Executive Director (Economy and Communities)

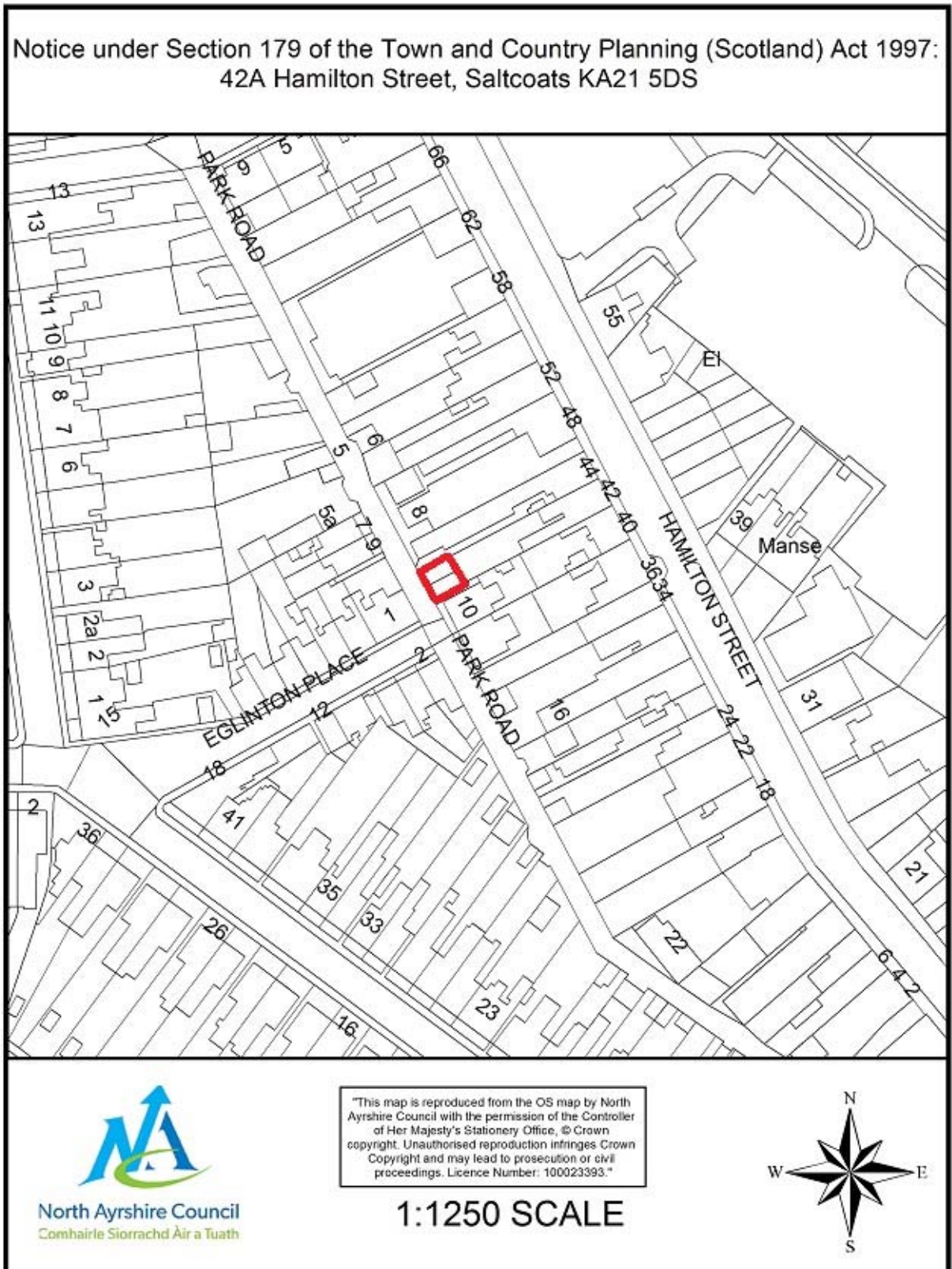
Reference : 16/00065/LAND

For further information please contact Iain Davies on 01294 324 320

Background Papers

Background correspondence

Location Plan



NORTH AYRSHIRE COUNCIL

Agenda Item 6

21 September 2016

Planning Committee

Title:	Revocation Order of Tree Preservation Order, Millport No1
Purpose:	To confirm the Revocation Order of Tree Preservation Order Millport No1
Recommendation:	It is recommended that the Committee confirm, without modification, the Revocation Order of Tree Preservation Order Millport No1

1. Executive Summary

- 1.1 A proposal to revoke Tree Preservation Order Millport No1 was considered at the Planning Committee on 27th April 2016. The Order relates to mainly deciduous trees at the rear boundaries of private gardens of No 22 - 28 Bute Terrace, Millport. The trees collectively form a wooded strip running along a section of Howard Street and on either side of Church Hill. The Order was designated by Cunninghame District Council in 1991. All of the trees affected by the Order fall within Millport Conservation Area and, accordingly, receive a degree of statutory protection in addition to the protection afforded by the Order
- 1.2 The Committee considered that the Order was no longer merited as the circumstances which supported the original designation of the Order had materially changed. The Committee therefore agreed to serve a Revocation Order of Tree Preservation Order Millport No1.

2. Background

- 2.1 The Revocation Order was served on the owners of the affected land with the effective date of 20th July 2016. The affected land is shown coloured green on the plan at Appendix 1. A public notice was also published concurrently in the Largs and Millport Weekly News and provided details of the period and process for public objections and representations. The Revocation Order remains in force until 20th January 2017 after which date it will expire unless it is confirmed by the Committee.
- 2.2 The statutory period for receipt of objections and representations ended on 17th August 2016. No objections or representations were received.

- 2.3 Confirmation of the Revocation Order will result in owners of the affected land having the same rights as their neighbours who own land within the Conservation Area, but out with the area affected by Tree Preservation Order Millport No1. If the Revocation Order is confirmed owners of the land within the affected area will no longer require to submit a formal planning application for tree works. They will still require, however, to give the Council 6 weeks' notice in writing of any proposed works to the trees as the trees will remain within the designated Conservation Area.

3. Proposals

- 3.1 It is proposed that the Revocation Order is confirmed by the Committee without modification. It is proposed that the owners of the land previously affected by Tree Preservation Order, Millport No1 are written to and advised that, as a result of confirmation of the Revocation Order, they are no longer required to submit a formal planning application for tree works but will require, in accordance with the designated Conservation Area, to give the Council 6 weeks' written notice of any proposed works to the trees.

4. Implications

Financial:	None.
Human Resources:	There are unlikely to be any significant resource issues with the revocation Order if it is confirmed.
Legal:	If the Order is confirmed the landowners of the area affected by Tree Preservation Order Millport No1 will be served with Notice of the confirmation by Legal Services. This means that any work to the trees will no longer require the submission of a formal application. Notice of proposed works to the trees will still require to be given to the Council in writing, 6 weeks in advance, as a result of the designated Conservation Area.
Equality:	There are no equality implications.
Environmental & Sustainability:	The trees will continue to have statutory protection within Millport Conservation Area.
Key Priorities:	There are no significant implications for key priorities.
Community Benefits:	There are no community benefit implications.

5. Consultation

- 5.1 The period for public consultation ran for 28 days from the effective date of the Revocation Order, from 20th July 2016 until 17th August 2016. No representations or objections were received.

A handwritten signature in black ink, reading 'Elma Murray' in a cursive script.

ELMA MURRAY
Chief Executive

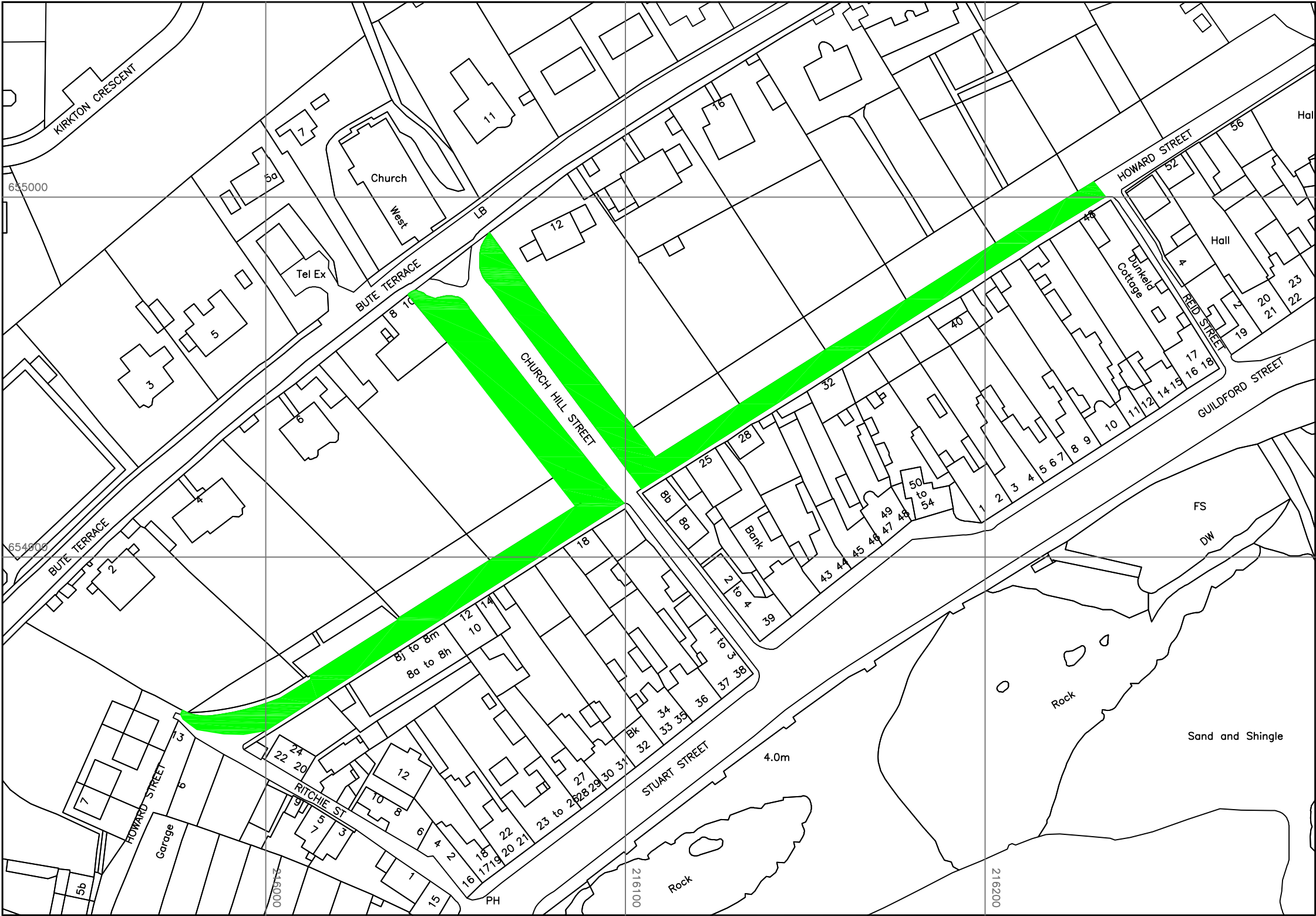
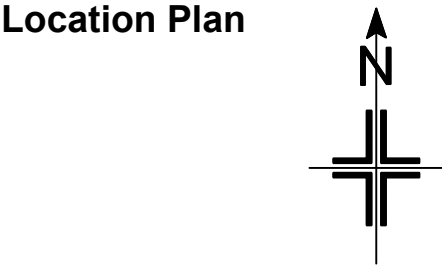
Reference : LGL/03/0233/KAS


For further information please contact Kenzie Sharkey, Solicitor on telephone number 01294 324376

Background Papers

None

THIS IS THE PLAN REFERRED TO IN THE FOREGOING
THE NORTH AYRSHIRE COUNCIL (HOWARD STREET, MILLPORT) REVOCATION OF
TREE PRESERVATION ORDER, MILLPORT No.1 (20th JULY 2016)





North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

DRAWN BY	Diane Wildridge
DATE	08/07/2016
DRAWING No	2457
SCALE	1:1250
OS SHEET	NS1654