



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Cunninghame House,  
Irvine.

16 October 2014

### **Planning Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 1, Cunninghame House, Irvine on **WEDNESDAY 22 OCTOBER 2014** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of meeting of the Committee held on 24 September 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 report on the following application:

**14/00467/PPM: Willowyard Road, Beith**

Erection of 14 new warehouses comprising of 4 triple units and 1 double unit, including new access roads and associated landscaping works (copy enclosed).

**4. Irvine**

Submit report on the following applications:

**4.1 14/00337/PPM: Shewalton, Irvine**

Proposed continuation of recycling and infilling works including creation of landscape feature, signage and retrospective workshop, portacabins and siting of associated machinery (copy enclosed).

**4.2 14/00525/PP: 33 Kilwinning Road, Irvine**

Removal of condition 1 of planning permission 10/00246/PP to allow continued use of a carwash (copy enclosed).

**5. Provisional Tree Preservation Order: Land at Willowyard, Beith**

Submit report by Executive Director (Economy and Communities) on the serving of a Provisional Tree Preservation Order for trees and woodland on the lands to the north of the existing bonded warehouses at Willowyard, Beith that are currently under threat from warehouse development by Chivas Brothers.

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## Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
24 September 2014

**IRVINE, 24 September 2014** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, Robert Barr, John Bruce, Tom Marshall and Robert Steel.

**In Attendance**

J. Miller, Senior Manager (Planning, Transportation and Regeneration) and A. Hume, Senior Planning Officer (Economy and Communities); A. Craig, Team Manager (Litigation) and Diane McCaw, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Ronnie McNicol 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 accuracy of the Minutes of the special meetings of the Committee held on (i) 22 July, (ii) 22 August and (iii) 2 September was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Irvine**

**14/00473/PP: Heatherhouse, Irvine**

Daniel McKay, 3 Carnoustie Place, Irvine, has applied for planning permission for the siting of a mobile snack bar on a permanent basis on a site to the north of Albann Limited, 3rd Avenue, Heatherhouse Industrial Estate, Irvine.

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

1. That the planning permission hereby granted shall enure not for the benefit of the land to which it relates but for the benefit of the applicant only.
2. That the mobile snack bar, and all materials, waste etc. associated with the business shall be removed from the site at the end of each day.

#### **4. Planning Performance Framework**

Submitted report by the Executive Director (Economy and Communities) on the content of Planning Performance Framework 3 (PPF3) and on the document's publication and submission to Scottish Government.

The PPF provides the planning system with a 'balanced scorecard' approach to performance which enables each local planning authority to demonstrate achievements, successes and individuality. It was developed in response to the Government's planning reform agenda and an annual return is required from each planning authority. PPF3, as detailed in the appendix to the report, marks the third submission from the Council and covers the period from April 2013 to March 2014.

The Committee agreed to (a) note the content of the Planning Performance Framework 3; and (b) approve the document's publication and submission to Scottish Government.

The Meeting ended at 2.15 p.m.

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

**22 October 2014**

Planning Area

**Garnock Valley**

Reference

**14/00467/PPM**

Application

**1st August 2014**

Registered

Decision Due

**1st December 2014**

Ward

**Kilbirnie and Beith**

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

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**Location**

Chivas Brothers Ltd, Willowyard Road, Beith

**Applicant**Chivas Brothers Limited,  
Kilmalid  
Stirling Road  
Dumbarton**Proposal**Erection of 14 new warehouses comprising of 4  
triple units and 1 double unit, including new  
access roads and associated landscaping works

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Planning permission is sought for the development of 14 no. warehouses to the north of the existing bonded warehouse complex at Willowyard to the west of Beith. The proposal originally sought approval for 4 triple units and 1 double unit. Following negotiation with the applicant, an amendment to the scheme has been submitted. The revisions seek approval for three triple warehouses on the western part of the site, with two of these having been reduced in floor area to better fit into the landscape.

The ornamental woodlands around the former Mains House, including the tree lined avenue leading to the east, have been retained in the revised scheme, with a triple warehouse now proposed in the open ground situated between the Mains Burn woodland and the Mains House woodland. The remaining warehouse, a double unit of reduced scale, would be sited on open ground at the north east of the site with the woodland areas around it retained. All external finishes for the proposed warehouses would be olive green as per the west elevations of the recently constructed warehouses facing onto Kilbirnie Loch.

The application also proposes the formation of a two new access roads and bridges leading north from the existing warehouse complex across the Mains Burn. A network of site roads would be formed around the proposed warehouses, with the road widths having been reduced in places to safeguard existing trees. The sole means of access from the public road system would be via the existing Willowyard access road which links to the B777 south west of Beith. The B777 connects to the A737 trunk road at Manrahead Roundabout. The engineering operations for the site would also include the provision of swales designed to accommodate any spillages and firewater run-off. The swales would be lined with impermeable clay soil.

In addition to the retention of the ornamental woodlands around the former Mains House, the existing mature woodland around the perimeter of the site and alongside the Mains Burn would be retained, with the exception of two small areas where roads require to be constructed. However, most of the hedgerows within the site would be removed. Further tree planting, supplemented by earth mounds where required, is proposed along the edges of the site and at the edge of the Mains Burn near to the Glasgow-Ayr railway line in order to provide screening.

The site consists of 11.68 ha of undeveloped land to the north of the Mains Burn. The site consists of farmland and the wooded grounds of the former Mains House. The site is bounded to the west by the Glasgow - Ayr railway line, with Kilbirnie Loch beyond; to the north by agricultural land and several isolated houses, including Mains Lodge which is situated immediately north of the application site boundary; and to the east by agricultural land. The town of Beith lies uphill to the east and is separated from the site by agricultural land. The boundaries of the site are wooded in places, particularly to the south along the corridor of the Mains Burn. There are also linear groups of trees and hedgerows defining the edges of the site and the various fields within it. A notable feature within the site is the mature ornamental woodland associated with the former Mains House. The house was demolished in the 1970s although its wooded grounds and avenues have been retained. The woodland areas contribute much to the character and amenity of the locality.



In terms of the adopted North Ayrshire Local Development Plan, the site is allocated as an existing industrial operation in the countryside under adopted Local Development Plan (LDP) Policy IND 10. This policy recognises that there are a number of existing operations which, for safety and operational reasons, have been developed in the countryside. It is not a general industrial policy. Policy PI 8 (drainage, SuDS and flooding) and the General Policy of the LDP also applies.

In terms of planning history, there have been no previous planning applications for the area to the north of the Mains Burn. Within the existing complex, there have been a number of applications for additional warehouses over the period between 2012 and 2014 as a result of ongoing expansion. The total number of warehouses at Willowyard is currently 73, with planning permission approved earlier in 2014 for a further 5 (refs. 14/00291/PP and 14/00432/PP).

As the current planning application falls into the major developments category, pre-application consultation was required, and a notice (ref. 14/00180/PREAPP) was submitted on 18 March 2014, which initiated the statutory pre-application procedures. A public event was held in Beith Community Centre on 25 March 2014 and a statutory pre-application consultation report has been prepared and submitted with the proposal.

Other documentation submitted in support of the application includes a design and access statement, ecology report, tree survey and an archaeological investigation. A summary of each of the supporting documents is provided below:

#### **Pre-application Consultation (PAC) Report**

The PAC report indicates that the public event held in Beith on 25 March was attended by over 70 people. Feedback was categorised into negative, neutral and positive comments. In terms of concerns regarding negative aspects associated with the proposal, loss of trees and landscape appears to have been the most significant concern. Noise, detrimental effects on wildlife and lack of community benefits were also noted as being potential concerns. Among the positive comments received was favourable feedback on amending the colour scheme for new warehousing at Willowyard in order to reduce visual impacts on the landscape. Notably, the use of a different colour scheme using olive green cladding has now been taken forward in a current development at Willowyard that is nearing completion. With respect to community benefits, although this is not a material planning consideration, the applicant held a further meeting with interested parties to discuss this topic on 24 April 2014. Any decisions on potential community benefits would be a matter for the local community to progress directly with Chivas Brothers Ltd.

### **Design and Access Statement**

The statement considers the location of the site, its topography and context within the area, the relationship with the rural landscape, Kilbirnie Loch and Beith. The statement discusses the design process and indicates that the original intention was to develop 15 warehouses. This was subsequently reduced to 14 at the time of the planning application being submitted in order to increase the perimeter zone for screen planting. Amendments to the layout have now been proposed in order to safeguard areas of established mature woodland on the site following consideration of the proposal by Planning.

### **Ecology Report**

This included a bat survey and an extended Phase 1 habitat survey. The survey has highlighted the potential presence of otter, badger, bats, water voles, reptiles and nesting birds within the site or land adjacent to it. Recommendations have been made for further action, which could include more survey work and/or mitigation measures to be taken during construction to avoid impacts on wildlife.

### **Tree Survey**

The tree survey report primarily considered, on an individual basis, the condition of the trees within the site and made management recommendations. The survey did not include protection measures for trees to be retained nor did it consider the amenity value of the woodlands as a whole.

### **Archaeological Investigation**

A programme of archaeological works was undertaken during August 2014. The archaeological works were designed to inform the assessment of the impact on the archaeological resource from the proposed development. In all 72 intrusive evaluation trenches were excavated amounting to an 8% sample of the proposed development area. No significant archaeological remains were uncovered. The only remains identified were field drains, furrows and features associated with the demolished 19th to 20th century Mains Farm.

## **2. Consultations and Representations**

The application was subject to statutory neighbour notification procedures, and included the publication of an advertisement in a local newspaper for the purposes of neighbour notification on 13 August 2014. Five members of the public have submitted objections to the proposal.

### **Objections**

1. Lack of justification for the substantial expansion of storage capacity which has been proposed, which represents overdevelopment of the site. It is not known whether or not the remainder of the site (to the south) has been adequately developed and whether it would be possible to relocate any of the proposed warehouses in the existing developed area.

*Response: The site is allocated for bonded warehousing in the adopted LDP. The applicant has indicated that there is a need to provide additional storage capacity in order to meet market demand for whisky that has matured for longer. There is less turnover in the bonded warehouses as a result of longer maturation periods. The area to the south has been largely developed, and several permissions have been granted in recent years for the remaining areas available. It appears that any further development would only be possible in the event of redevelopment involving the demolition of existing warehousing. The current application has been amended to make efficient use of the site whilst retaining the legacy of mature woodland that exists. It is not considered that the site would be overdeveloped, given that the mature woodland areas would be largely retained.*

2. Concern over the concentration of warehousing within the most heavily wooded part of the site. There would be adverse effects on the rural landscape character of the area, including a detrimental effect on the views of Kilbirnie Loch as viewed from the A760. Furthermore, the removal of trees and hedgerows between the existing Willowyard development and the railway line would have a severe adverse effect on existing and future leisure/tourism activities at Kilbirnie Loch due to increased adverse visual impact. Screening proposals should be provided in order to reduce such adverse impacts of the development. The present proposals lack detail and are restricted only to the current site - it is considered that screening in the form of mounding and planting is also required throughout the entire site.

*Response: As a result of negotiations with the applicant, the woodland around the former Mains House would now be fully retained, other than for a small area where a proposed access road would result in the loss of a small number of trees. This loss would be mitigated by new planting elsewhere. In order to safeguard these trees, it is also proposed to serve a TPO on the woodland at the site. The woodland at Mains Burn would be left largely unaltered by the proposal, other than the reconstruction of an old bridge and the formation of an access road where a number of self sown trees would be removed. The proposed width of the bridge has been indicated at 4m in order to reduce impact on the woodland. A substantial woodland landscape buffer would be retained between the existing warehouses and the proposed development. Together, the retained woodland areas would help to screen, enclose and contain some of the warehouses when viewed from the A760 and the surrounding rural area.*

*It is also considered that the rural character and topography of the area has been taken into account in the layout and design for the proposed development, and warehouses would be built using a cut and fill technique which is designed to work with the existing slope profile and reduce any significant underbuilding. Additional trees would also be planted on the site boundaries, especially alongside the railway line where there are currently large gaps in the tree cover. The colour scheme would take into account the rural character of the area. Finally, the existing development is being progressively screened through planning conditions imposed on previous developments granted in recent years.*

3. Large warehouses in close proximity to nearby housing would have an adverse effect on residential amenity and create various forms of pollution. This would include loss of amenity arising from noise during construction, light pollution in the rural area, an increased safety risk due to the increased quantity of ethanol and an increased incidence of fungus resulting from the evaporation of ethanol, resulting in the blackening of buildings and trees in the vicinity. The proposal would also prejudice new housing development on allocated sites at Kings Road and Auldlea Road in Beith.

*Response: Firstly, the proposed development has taken into account the proximity of nearby housing. Based on the responses from statutory consultees, the proposal does not raise any health, safety or pollution issues. The regulation of construction noise is not a material planning consideration. Should a noise nuisance arise during construction, this could be reported to Environmental Health. In terms of the impact on the amenity of the nearby housing, the retention of mature trees around the grounds of the former Mains House and on the site boundaries would help to mitigate visual impacts, as would the colour scheme used on the warehouse cladding. The proposed lighting scheme would be subject to a planning condition to ensure that the external lighting is designed and operated to minimise glare and light spill. For similar reasons, it is not considered that the development would prejudice future housing development in the area.*

4. The lane to the east of the site is privately owned and any future development proposal across this lane would be strongly resisted.

*Response: Noted. The land to the east of the site is not allocated for bonded warehousing development in terms of the Local Development Plan.*

5. The proposal would result in adverse effects on the area including additional traffic and destruction of local nature. The proposal would have an adverse effect on wildlife and the site should be inspected for the presence of bats.

*Response: The reduction in the number of warehouses proposed, from 15 at pre-application stage to the present 14, has been subject to further layout amendments in order to better conserve the wooded areas within the site. Traffic levels would increase but not to a significant extent, and the site is well-connected to the trunk road network at Beith. HGV traffic generated by Willowyard does not require to enter Beith or the neighbouring villages. Other traffic generated the proposal would not be significant. As noted above, considerable efforts have been made by the applicant to conserve existing trees, woodland and landscape character, although it is noted that several mature hedgerows would be lost as a result of the development. Additional tree planting would help to mitigate these losses. The site has been inspected for protected species, which included a bat survey. The survey did not indicate the presence of any bat roosts, but included recommendations as to additional survey work before any construction takes place. Further wildlife surveys could be required as a condition of any planning permission.*

6. Despite its scale, the proposal would not create many additional jobs.

*Response: The proposal would safeguard jobs at Willowyard.*

7. Whilst the olive green cladding represents a welcome change, it is essential that this should be applied to all wall and roof panels throughout the site.

*Response: Noted. There is no mechanism through the current planning application to require the applicants to retro-fit their existing warehouses at Willowyard. However, it is understood that the applicants may be prepared to adopt the olive green colour scheme when refurbishing existing buildings in the future. Again, this is a matter which the local community may wish to raise directly with the company.*

8. A community benefit fund is desired. Reference to a potential foot/cycle path along the eastern shore of Kilbirnie Loch have not been referred to in the PAC report. This, other path improvements and public access/repairs to the Bark Mill is desired by the local community - the applicant has previously indicated its support for some of these developments at the meeting held in Beith on 24th April 2014.

*Response: Such funds are not material planning considerations. These are all matters which the local community have raised directly with the company in the past.*

## Consultations

**Arboricultural Officer** - Although a tree survey has been submitted, there is no information pertaining to how existing trees will be impacted on by the development or how those retained will be protected and how any losses are to be mitigated. An arboricultural impact assessment and arboricultural method statement should be prepared within the context of trees affected by the proposed development. Also considers that a TPO would be justified in respect of the woodland around the former Mains House.

*Response: In view of the amended site layout, which would reduce the loss of trees in the area around the former Mains House, a condition could be imposed with respect to the requested arboricultural impact assessment and arboricultural method statement. This could also indicate measures to protect trees during construction in accordance with the British Standards, particularly as there are now more extensive groups of trees to be retained as part of the development. With regard to the comments relating to a TPO for the Mains House area, it is proposed to serve a TPO to encompass the whole application site.*

**Environmental Health** - no objections. Advice has been issued in relation to a number of issues relating to noisy construction activities, waste management and dust in order to avoid nuisance to neighbouring properties.

*Response: The advice of Environmental Health has been issued directly to the applicants and their agents. There is no action required on these issues with respect to the planning application. Regulation of the matters raised would be for either Environmental Health or SEPA.*

**Health & Safety Executive** - does not advise, on safety grounds, against the granting of planning permission in this case.

*Response: Noted.*

**SEPA** - no objections. Proposals have been submitted to SEPA operations teams regarding the drainage of the site. It is still unclear whether a licence will be required under the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). A condition requiring that the surface water discharge arrangements are to the satisfaction of SEPA is therefore recommended.

*Response: A condition can be imposed to meet the requirements of SEPA.*

**Strategic Planning & Infrastructure (Transportation)** - no objections. There would be a minimal increase in vehicular traffic as a result of this development. Therefore, there should be no transportation related issues with this development

*Response: Noted.*

**West of Scotland Archaeology Service** - no objections. Three potential archaeological issues are associated with this proposal. Firstly, the nearby remains of the nineteenth century Bark Mill. Secondly, the site and associated grounds of the former Mains House. Thirdly, the majority of the site has not been subject to development during the modern period, and would therefore have some potential for buried deposits relating to the several thousand years of human occupation from prehistory onwards. Pre-application discussions have taken place with the agent. Consequently, pre-evaluation trenching was agreed between the applicants and WoSAS. Trenching works were undertaken during August 2014. A survey report was submitted and duly approved by WoSAS on 7 October 2014.

*Response: Noted. As acknowledged by WoSAS, the Bark Mill lies outwith the site boundary and it is not proposed to develop this area. Similarly, it is not proposed to develop the Mains House area. WoSAS has received the archaeological report prepared by the applicants archaeologist. The report of survey indicates that no significant archaeological features were uncovered during the course of the archaeological works. The only features present related to the use of the land for 19th to 21st century agriculture, including a number of furrows. Field drains were revealed across the majority of the site representing attempts to improve the drainage of the ground in order to prevent waterlogging. Accordingly, there is no further action required with respect to archaeology.*

**Kilbirnie & Glengarnock Community Council** - no comments.

**Scottish Water** - no comments.

### **3. Analysis**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan (LDP) is the development plan. The following LDP policies are applicable to the consideration of the proposal:

- Policy IND 10 - Existing industrial uses in the countryside
- Policy PI 8 - Drainage, SUDs and flooding
- General Policy

Policy IND 10 provides for existing industrial uses located in the countryside. The adopted LDP recognises that there are a number of existing operations which, for safety and operational reasons, have been developed in the countryside and the warehouses at Willowyard are an example of such a development. The proposed development falls wholly within the Policy IND 10 land allocation and therefore, in principle, accords with the provisions of the adopted Local Plan.

Policy PI 8 states that all development shall require to incorporate SuDS techniques. Whilst swales have been indicated on the proposed site plan, a condition can be imposed to require the submission of more detailed design drawings for the SuDS scheme. Surface water would be collected in the swales, which is a type of SuDS system, and then discharged to the Mains Burn. In the event of an emergency, fire-water and spillages would be collected in the swales which would have sufficient capacity to store the waste water. Control valves and a lining of impermeable clay soil would prevent the waste water escaping. This method would prevent pollution to local watercourses, groundwater and Kilbirnie Loch. Due to the topography of the area, which slopes generally towards Kilbirnie Loch, it is not considered that the proposed development of this site would give rise to flooding elsewhere, nor is the site at risk of flooding. The proposal therefore accords with Policy PI 8.

The proposal also requires to be assessed against the criteria in the General Policy.

In relation to (a) siting, design and external appearance, the revised proposal is considered to be satisfactory. The siting of the warehouses at the west of the site would follow the same pattern as the existing warehouses to the south, with the long elevations running parallel to the railway line and Kilbirnie Loch. At this part of the site, the ground slopes uphill from the loch. Cut and fill techniques would be used to create level platforms within the area to be developed without digging into the tree belts around the edge of the site. The two warehouses at the east of the site, where the land is generally flat, would have different alignments in order to fit onto the ground without the loss of the woodland around the former Mains House and on the site boundaries. All of the proposed warehouses would have a broadly similar scale, design and character as the existing warehousing to the south, although the external finishes would be uniform throughout, with walls and roofs being finished in an olive green coloured metal cladding. This is considered appropriate for the rural setting of the site and would be a significant contrast to all but the most recent phases at Willowyard. Conditions can be attached with respect to cut and fill details and external finishes.

In relation to (b) amenity, the applicants have agreed to retain the entire woodland area on the site of the former Mains House, including the double avenue of trees leading from the track to the east of the site. For vehicular access purposes, a small break at the eastern end of the avenue is proposed, although the impact would be mitigated through the retention of existing trees which form the eastern boundary of the site. At other locations where tree protection is desired, road and bridge widths have been reduced to prevent loss or damage. A condition could be imposed to seek more detailed information relating to tree protection and road design at these locations. As noted above, additional trees would be planted as part of the proposed development. Such planting would help to screen the site and compensate for the loss of hedgerows arising from the proposed development. With respect to lighting, the applicant's agent has confirmed



that there is a need for external lighting in order to assist the operations at the site during hours of darkness. The external lighting scheme is to be designed in order to minimise light spill and glare, and a condition could be imposed to require the submission of the relevant details for approval. Regarding noise and vibration, the completed development is unlikely to result in any significant noise, and disturbance would be limited to vehicle movements to/from the site. These movements, in terms of number, are considered insignificant, given the nature of the warehouses. With respect to odour, bonded warehouses are known to create an ethanol odour in their vicinity due to the evaporation of the maturing spirits. This is already present at Willowyard. Regarding the impact of the development on biodiversity, the submitted ecology report makes a number of recommendations regarding habitats and protected species. This matter could be taken forward by imposing a condition requiring further survey work and, thereafter, implementing the recommendations arising from the further surveys. This would ensure the survey information is up to date and enable appropriate mitigation measures to be put in place before the commencement of the development. The retention of woodland areas and the planting of more trees at the site would support the creation of new wildlife corridors. It is considered that the proposal, as amended, would be acceptable with respect to amenity.

In relation to (c) landscape character, it is considered that the retention of woodlands within and on the boundaries of the site would help to retain a rural character at the site. The use of olive green cladding would also help to soften the visual impact on the landscape character. The recommendations of the Ayrshire Landscape Assessment (1998) in relation to the Garnock Valley have been discussed with the applicant and their agents, which has informed the landscape strategy for the proposal, placing an emphasis on steering development towards sites which can allow integration of new buildings in the countryside ie. within a woodland framework or adjacent to existing buildings. These aims have been achieved in this instance, and it is therefore considered that the proposal would be acceptable with respect to landscape character.

In relation to (e) safeguarding zones, the Health & Safety Executive have no objections on safety grounds. SEPA have no objection to the proposal, although have recommended a condition in relation to the discharge of surface water. A condition to this effect could be imposed.

In relation to (g) infrastructure, the proposed development would connect onto the existing network of roads within the Willowyard bonded warehouse complex, and all site access/egress would be via the existing road at the south end of the site, which links to the B777 public road. There is no requirement for developer contributions towards infrastructure provision in the area as a result of the proposal.

There are no other material considerations. Approval can be granted subject to the conditions as discussed above.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
2 October 2014

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

## APPENDIX 1

### RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00467/PPM

Grant subject to the following conditions:-

1. That, prior to the commencement of the development, details relating to the discharge of surface water for the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority in consultation with SEPA.
2. That, prior to the commencement of the development, hereby approved, full details of tree protection measures shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.
3. That, prior to the commencement of the development, hereby approved, 1:1250 scale plans shall be submitted for the written approval of North Ayrshire Council as Planning Authority indicating the areas of the site where new road construction is to take place through wooded areas. The 1:1250 scale plans shall accurately indicate all trees affected by road construction works together with details of tree protection measures. As part of this exercise, road alignments and widths shall be modified as may be required in order to minimise tree loss and root damage. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of the development, hereby approved, details of a tree planting scheme for the site and the lower section of the Mains Burn, to include full details of ground preparation, earth mounds, drainage works, soil treatment and a full specification of species to be planted, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the earth mounding and tree planting scheme shall be designed to screen the warehouses from the surrounding area and shall incorporate a mix of broadleaved and coniferous tree species. Thereafter, the scheme as may be approved shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
5. That, prior to the commencement of the development, hereby approved, details of all cut and fill operations for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall indicate existing and finished ground levels using plans and cross section drawings. Cross sections shall be provided for each warehouse platform on both north-south and east-west axes, and shall extend beyond the site boundaries. Thereafter, the site levels shall be formed in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, hereby approved, details of the security fencing for the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. As part of this exercise, the alignment of the security fence shall be modified as may be required in order to minimise tree loss and root damage. Thereafter, the security fence shall be erected in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

7. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in the CIRIA "SuDS Manual (errata 2007)". Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the commencement of the development, hereby approved, an updated habitat survey shall be undertaken following an inspection of the site for the presence of bat roosts and any other protected species. In the event of any bat roosts or protected habitats being found within the site, the report shall include a mitigation plan to conserve or replace bat roosting sites and any other habitats affected by the development. The survey shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development. Any mitigation plan which may be approved shall be brought into operation prior to the commencement of site operations.

9. That, prior to the commencement of the development, hereby approved, details of the external lighting scheme shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The external lighting scheme shall be designed and operated to minimise light spill and glare. Thereafter, the external lighting scheme as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the external finishes for all warehouses within the development, hereby approved, including roofs, walls, fire separation detailing, rainwater goods and doors, shall be coloured Olive Green (RAL 100 30 20; BS 12B27) 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 the Scottish Environment Protection Agency.
2. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
3. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
4. To provide for the screening of the site.
5. In the interest of the amenity of the area.
6. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
7. In the interest of the proper planning of the area.

8. In the interests of nature conservation.
9. In the interest of the amenity of the area.
10. In the interest of the amenity of the area.

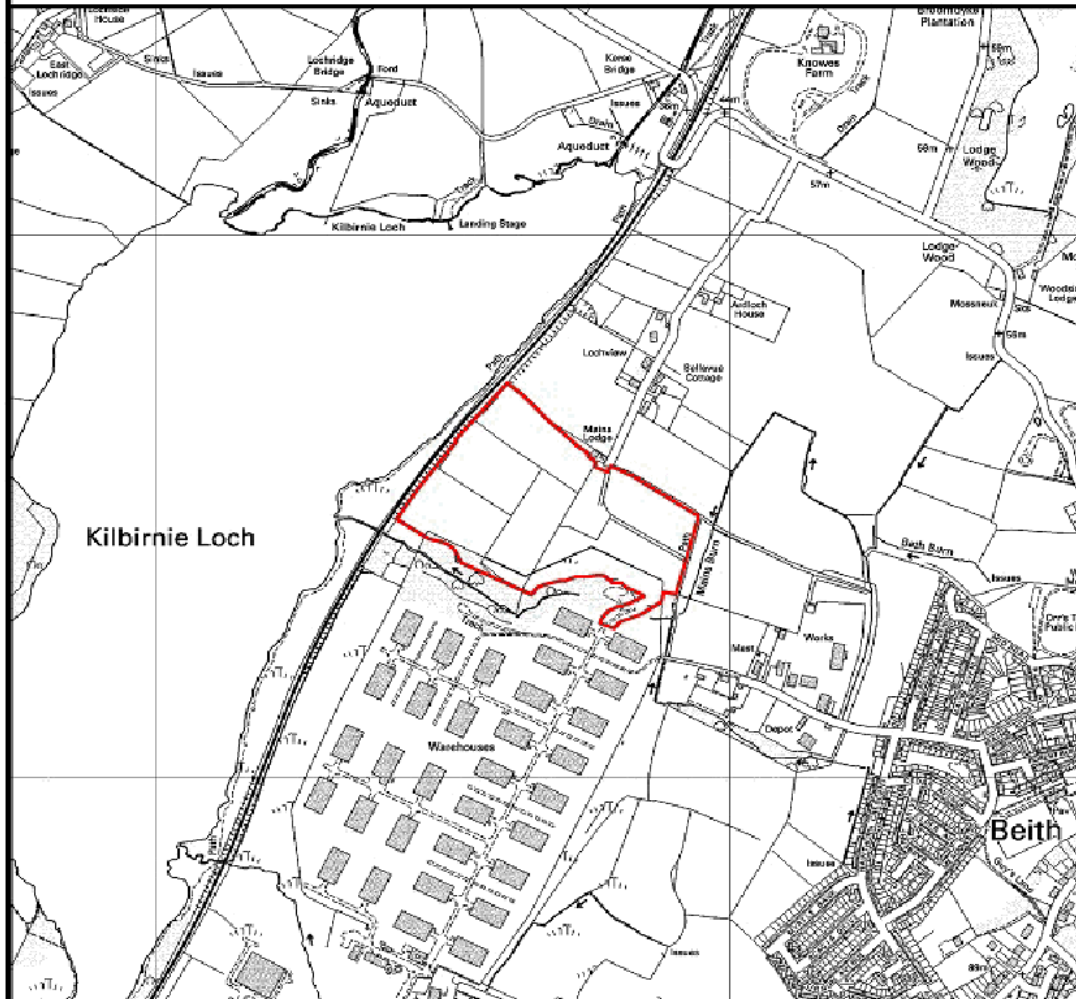
Reason(s) for approval:

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



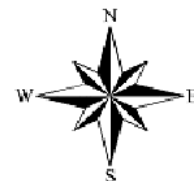
# Committee Plans

14/00467/PPM



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4.1**

Planning Committee

**22 October 2014**

Planning Area

**Irvine/Kilwinning**

Reference

**14/00337/PPM**

Application

**21st August 2014**

Registered

Decision Due

**21st November 2014**

Ward

**Irvine West**

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<b>Recommendation</b>	<b>Agree to grant subject to (a) the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site and (ii) secure a restoration bond for both the eastern and western areas of the site and (b) the conditions contained in Appendix 1.</b>
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<b>Location</b>	Site to the north, east and west of Irvine Car Spares Shewalton Road Riverside Business Park IRVINE
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<b>Applicant</b>	W H Malcolm Limited 865 Sive Street GLASGOW G14 0BX
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<b>Proposal</b>	Proposed continuation of recycling and in-filing works including creation of landscape feature, signage and retrospective workshop, portacabins and siting of associated machinery.
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## **1. Description**

This application seeks retrospective planning permission for recycling and in-filling works, siting of workshop portacabins and associated machinery at Shewalton Road, Riverside Business Park, Irvine. The applicants currently operate a recycling facility at the site whereby construction/demolition waste has been imported and processed to produce recycled aggregate and similar materials with the residual materials suitable for restoration purposes. The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 classes the proposal as a major development as it relates to a waste management facility where the capacity of the facility exceeds 25,000 tonnes per annum. The site imports, processes and recycles up to 500,000 tonnes per annum.

The site infrastructure comprises of a 13.6m x 18.3m workshop with small associated portacabins and stores. There are also wheel washing facilities and a weighbridge. There is a large plant processor at the southern end of the site and at various locations, stockpiles of washed and pre-wash materials. The smallest stockpile is the residual waste. Operational hours are stipulated at Mon-Fri 0700-2000hrs, Saturday 0700-1700Hrs and Sunday 0800-1600Hrs. Sunday operational hours would be restricted to maintenance works only. It is proposed to restore the eastern area of the site by forming a landform feature which would also include signage with i3 branding, full details of the signage have not yet been provided.

The application site has an area of approximately 13.8 hectares, divided by the A78, splitting it into 2 sections, the larger part of which is 9.6 Ha and is located on the western side of the A78. The eastern side is 4.2 Ha. The site is accessed from Shewalton Road which then joins the A737 (Ayr Road). Shewalton Road serves a number of individual houses established industrial uses and the Council's landfill site. The site is bounded to the north and west by a wildlife nature reserve and to the south by Shewalton Road beyond which is the Council's landfill facility, and to the east by the Oldhall West Industrial Estate.

The site is located within an industrial area as identified in the Local Development Plan (LDP) and requires to be assessed against Policy IND12 (QUASI-Industrial uses in yards) part of the northern area of the site is also located within the countryside as identified in the LDP Policy ENV1 (new development in the countryside excluding housing is also applicable). Policies PI7 (Waste management) and the General Policy are also relevant to the consideration of the application. The following supporting information forms part of the submission.

### **Pre-application Consultation (PAC) Report**

A PAC Report is required by the Development Management Regulations for all major planning application.

**Environmental Statement (ES)**

The Environmental Statement examines in detail the likely main environmental impacts of the development and amenities proposed to mitigate, reduce or prevent any significant adverse effects. The Environmental Statement identifies the following key issues:

**Transport Assessment** concludes that the site will continue to import and export material at the same rate as in recent years and it is anticipated that traffic flows of the site will continue at broadly similar levels to what is currently experienced. The swept path analysis of the A737/Shewalton Road junction indicates that vehicles may need to use the north bound lane of the A737 when turning left from Shewalton Road, as has been the case for a number of years. Improvements to this junction were considered, but observation indicates that the current operation represents the best scenario in terms of traffic delay. This consideration is confirmed by accident records which indicate that there has not been any accidents at the junction in the last 5 year period during which time the applicant has been operating from the site.

**Ecological Assessment** concludes that the site has been occupied by the W H Malcolm facility for a number of years therefore it is considered unlikely that any minimal changes to the site will impact on the habitats and wildlife already occupying the site and local nature reserve.

**Noise Assessment** concludes that a visual survey of the development site and surrounding area has been made and existing noise levels measured at 4 representative locations around the workings. Measurements were made in terms of LAeq, LA90 and LAm<sub>ax</sub>, thus enabling the existing noise claim to be characterised. With the exercise of reasonable engineering control over general operations, future working at the Shewalton recycling facility including the construction of the land feature should be carried out within the noise criteria detailed in PAN 50 annex a and BS5228-1.

**Dust Assessment** concludes that whilst there may be a small decrease in local air quality due to the continued working at the site, it is likely to be of short duration and should at no time result in air quality criteria levels being exceeded. There should be no increase risk to health and with the implementation of dust control measures detailed within this report (ES), the environmental dust emission from the development should be kept to a minimum and accordingly no dust nuisance should arise. Providing the control measures recommended in ES are undertaken there should be no adverse effect on the surrounding properties. The likelihood of short term dust occurring is very low.

**Water Environment Assessment** concludes that the effects of the proposed continuation of the recycling facility and restoration project on the site hydrology and hydrogeology are not significant under the terms of the Environmental Impact Assessment (Scotland) Regulations.

**Landscape and Visual Impact Assessment** finds that there are no significant adverse or beneficial visual impacts on built receptors or no significant visual impacts on outdoor receptors.

The report (ES) concludes that with the appropriate mitigation measures adopted, the effects can conform and comply with the necessary standards as detailed in Policy guidance and planning policy. Contained within the supporting statement has been a review of the development proposal in the context of the relevant development plan policy framework. This review has concluded that the development proposal is in accordance with the development plan and it is a considered view that there are, at this present time, no material considerations which would suggest that a determination should not accord with the development plan.

Planning Permission (Ref. 01/94/0695) was granted in November 1995 for the continuation of sand and gravel extraction and the infilling of workings, landscaping and restoration to form a nature trail, and outline planning permission for industrial use on 2 areas of the overall site. No application for approval of reserved matters was received. Permission (Ref. 06/00247/PP) was refused in February 2007 for the erection of 2 no. industrial buildings, one to accommodate a motor transfer workshop and the other to accommodate an existing waste recycling facility and associated works. An appeal against this decision was allowed in August 2008. The S75 agreement was completed and registered 13 July 2008 and the appeal decision issued 07 August 2008 subject to conditions. This consent has not been implemented.

## 2. Consultations and Representations

Neighbour notification was undertaken on 31st July 2014 and the application was advertised in the local press. The application was also advertised under the Town and Country Planning (Environmental Impact Assessment) Scotland Regulations 2011 under Regulation 17 on 15th August. Six objections were also received and the points raised can be summarised as follows:

1. The applicants obtained planning permission in 2008 and were required to undertake junction improvements at Ayr Road, this has never been carried out. There are high levels of traffic and this has increased making Shewalton Road and Ayr Road dangerous.

*Response - The appeal was lodged against the refusal of planning permission (Ref. 06/00247/PP) – Appeal Ref: - P/PPA/310/171 for the erection of 2 industrial buildings and associated works. The permission required junction improvements. The permission has not been implemented therefore these works are not required to be undertaken.*

2. There is disturbance to the surrounding area by vehicles breaking on approach to the junction at Ayr Road/Shewalton Road and accelerating from the junction which causes very high noise levels. The volume of traffic has increased considerably especially at certain times of the day. The vibration from these vehicles causes houses to shake. The road is also extremely dirty. The details of the application are vague as to whether the information is current or based on what the facts were when the original application was made i.e. has there been a creation of new jobs.

*Response - There is no control on the vehicles using a public road, and the applicants advise that there has been no increase in the number of vehicles accessing the applicants' site. The information provided in the application is up to date. Strategic Planning and Infrastructure (Roads) offer no objections on these points, however it is recognised that improvements can be made to Shewalton Road. The applicants and the Council are currently liaising to ensure that road improvements are achieved. The applicants are also willing to enter into a Minute of Agreement with the Council on this matter.*

3. There is no mention of connection to the public water supply for employees.

*Response - The supporting statement submitted with the application also states that the existing site welfare facilities are currently fed by a mains water supply. The wheel wash facilities and wash plant are supplied by an existing Water Abstraction Licence which draws water from the River Irvine located to the north of the site. This supply can also be topped up as required by mains water. Water drawn from the River Irvine is fed to the wash plant retaining tank, the tank supplies water to the wash plant and also to the wheel wash facilities. A system of ditches is then utilised to collect both surface and used water and feed this through the SUDS system.*

4. There are very bright spotlights on in the evening which is not necessary when the site is closed. This could have an effect on the adjacent nature reserve.

*Response: It is considered appropriate that full details of the lighting system are submitted for consideration and approval.*

5. The existing location is one which does not lend itself to the continued use, as the locality is one of mixed light, heavy engineering and manufacturing use and the potentially noxious nature particularly of putrescible waste would have a hugely damming effect on surrounding businesses. There are surrounding businesses which wish to expand and generate further employment opportunities but the toxic condition created by the applicant's operations added to the dangerous access prevent this becoming a reality. There is a risk of contamination from the proposed use which would involve SEPA having to take action in that regard. The additional usage is also grossly understated and that the additional heavy plant used on the road will be such as to cause a measurable damage to the already seriously dilapidated surface of the road.

*Response - The recycling facility does not include putrescible waste. SEPA has offered no objections, and advised that the site has a waste management licence which the applicants are currently operating under its terms.*

## **Consultations**

**SEPA** - No objections. The site is currently licensed under Waste Management Licensing (Scotland) Regulations 2011 and SEPA are satisfied that the proposal does not significantly change those activities currently authorised. The access roads should be upgraded to avoid air pollution.

*Response - Noted. The access road into the site itself has been upgraded and hard surfaced.*

**Strategic Planning & Infrastructure (Roads)** - No objections. There is no need for traffic signals at the junction of Ayr Road/Shewalton Road and the proposals would not significantly increase the present traffic flows associated with the development. The applicants are one of many users of Shewalton Road and have hard surfaced their entrance and provided a wheel wash facility to reduce debris on the public road. In order to facilitate the continuation of the site, the applicants are in discussion with the Council to ensure that Shewalton Road is of a suitable standard to accommodate the current levels of vehicular movement. However in the meantime the applicant is required to widen sections of Shewalton Road to 6m and introduce a one way section along a short section of narrow road (the areas to be widened and for one way operation are indicated on drawings 13001-SK-03 appendix C and 13001-SK-04.

*Response - Noted. Requirements for road widening and one way operation can be addressed with the imposition of an appropriate planning condition.*

**Historic Scotland** - No objections from the content of the Environmental Statement. Historic Scotland considers that the proposal would not have a significant impact on any nationally important or cultural heritage features within Historic Scotland's statutory remit and do not object to the proposed development.

*Response - Noted.*

**Environmental Health** - The site is regulated by SEPA and operates under a Waste Management Licence. It is also noted that the site has been in operation since 1995 and Environmental Health interpretation of the predicted noise figures presented in the Noise Assessment suggest that when compared with BS4142, the proposal will likely result in complaints from nearby noise sensitive premises. However, it is also noted that the Noise Assessment does not make any attempt to measure the existing noise environment for current operations which would not be changed significantly by the proposal. Environmental Health has no records of any noise complaints in connection with the current operations of the site. SEPA as the main regulatory body for the site will be able to control noise for the site via the terms of the Waste Management Licence.

*Response - Noted. SEPA has been consulted as detailed above and offers no objections to the continued use of the site.*

**Transport Scotland** - No objections. Transport Scotland are satisfied that from the information submitted in the ES the continued use of the facility would not have significant environmental impacts on the trunk road.

*Response: - Noted.*

**Scottish Wildlife Trust** - No response.

**Irvine Community Council** - No response.

**Scottish Water** - No response.

### **3. Analysis**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan is the development plan.

The eastern area of the site and part of the northern edge of the western area is within the countryside as identified within the Local Development Plan whilst the western area is located within an area allocated for industrial purposes. Policies ENV1 and IND12 would be applicable.

Policy ENV1 seeks to encourage appropriate development in the countryside and also seeks to enhance the viability of rural industry and services while minimising environmental impact and the need for travel. Although part of the site is within the countryside, it has been utilised for sand and gravel extraction for a number of years (Ref: 01/94/0695) and subsequently as a recycling facility. It is also proposed to restore the eastern area of the site with a landscape feature and it is considered that this would greatly improve the visual appearance of this area and contribute to enhanced amenity. It is considered appropriate to attach a condition to ensure that full details/timescales for the proposed landscape feature are submitted for consideration and approval. An informative could also be attached to advise the applicants on the need for advertisement consent for any proposed signage.

With regard to Policy IND12, as indicated above the facility imports inert by-products of civil engineering projects such as excavated subsoil and soils which arise from demolition. The materials are subsequently recycled and where appropriate, suitable materials are utilised for site restoration. As the facility processes a commodity, it can be categorised as a Class 5 general industrial use and therefore accords with Policy IND12.



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

- 1.(a) the proposal accords with the principles of the Zero Waste Plan (ZWP) and makes a positive contribution to the provision of a network of waste management installations;

*Response: It is considered that the facility accords with the principles of the ZWP as it actively recycles waste from other processes and maximises its reuse.*

- (b) the proposal meets an identified need and reflects the proximity principle;

*Response: The facility has been in operation for a number of years thereby demonstrating a commercial need.*

- (c) the location offers a good standard of accessibility;

*Response: The site is accessed from Shewalton Road and as detailed above, the applicant and NAC are liaising to provide upgrades to Shewalton Road. This can be agreed by a Minute of Agreement between NAC and the applicants.*

- (d) the proposal provides a sufficient landscape buffer and screening, where appropriate;

*Response: There are existing tree belts to the north, east and west of the site which assist in alleviating the visual impact from the site. Although the site is relatively open in nature to the south, it is located adjacent to the NAC Landfill site and it is for these reasons, it is considered that a landscape buffer would not be required.*

- (e) the proposal is located in close proximity to an existing waste management installation and/or within an industrial allocation unless it can be demonstrated that there is an overriding site specific locational need or benefit to locate elsewhere. Proposals must also be compatible with surrounding development and the underlying allocation where this is not industrial;

*Response: A large part of the site is within an industrial area as identified within the LDP. It is also considered that the facility is compatible with neighbouring developments and the industrial allocation of the site.*

- (f) the proposal demonstrates satisfactory mitigation measures for any unacceptable impacts arising from the development with respect to air emissions, noise, odour, dust, litter, vermin, insects, birds, visual impact, traffic, natural or built heritage, leachate, operational hours, proximity to water sources or cumulative impacts.

*Response: The ES submitted with the application identifies key impacts and mitigation measures.*

2. Development involving the transfer, sorting, handling, processing, recycling or composting of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and where the proposal seeks to minimise the residual waste material arising from the process.

*Response: As detailed above, the proposal accords with the general provisions at 1. Residual waste would also be utilised to assist in the restoration of the site.*

3. Development involving the recovery or disposal of waste shall only accord with the LDP where it accords with the general provisions at 1. (where applicable) and:
- (a) the proposal will positively contribute to meeting waste management targets set by EU Directives and/or the Scottish Government;
  - (b) the proposal complies with any restrictions on the amount of waste treated by recovery and disposal as may be nationally prescribed; AND
  - (c) consultation with West of Scotland Archaeology Service has taken place where the proposal involves landfill or landraising;
  - (d) the potential for heat and/or electricity generation has been fully explored and provided where viable (including the potential for local or district heating schemes);
  - (e) the proposal includes, where appropriate, an agreed after care and restoration plan of at least five years duration,

*Response: It is considered that the facility contributes towards waste management targets by recycling waste for re-use. Due to the type of material being recycled, there would be no potential for heat/electricity. As detailed above, a Minute of Agreement could also be set to ensure adequate restoration of the site in the event of the cessation of use.*

The following criteria of the General Policy also required to be assessed: -

- (a) Siting, design and external appearance: - The operations and associated equipment are fully contained within the site and for the above reasons, it is not considered that the continued use would have a significant adverse impact on the character and appearance of the surrounding area.

- (b) Amenity: - It is considered appropriate to attach conditions to ensure that any mitigation measure identified in the ES are implemented in the interests of amenity.
- (c) Landscape character: - As indicated above, it is not considered that the continued use would have a significant adverse impact on the character and appearance of the surrounding area.
- (d) Access, road layout, parking provision: - Strategic Planning and Infrastructure (Roads) has offered no objections to the proposed development. As discussed above, the applicants are currently liaising with NAC with regards to road upgrades at Shewalton Road.
- (e) Water and Sewerage: - SEPA has no objections to the continued use of the site. The supporting statement submitted with the application also states that the existing site welfare facilities are currently fed by a mains water supply. The wheel wash facilities and wash plant are supplied by an existing Water Abstraction Licence which draws water from the River Irvine located to the north of the site. This supply can also be topped up as required by mains water. Water drawn from the River Irvine is fed to the wash plant retaining tank, the tank supplies water to the wash plant and also to the wheel wash facilities. A system of ditches is then utilised to collect both surface and used water and feed this through the SUDS system.

In view of the above, and with the imposition of the aforementioned conditions and with the requirement for a Minute of Agreement for Shewalton Road upgrades and a restoration bond, it is considered that the continued use of the facility would accord with the relevant provisions of the LDP. Planning permission should therefore be approved.

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

See Appendix 1



KAREN YEOMANS  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
2 October 2014

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



## APPENDIX 1

### RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00337/PPM

Agree to grant subject to (a) the the completion of a Minute of Agreement to (i) secure road improvements along Shewalton Road from the junction with Ayr Road to the site entrance (ii) secure a restoration bond for the Eastern and Western area of the site and (b) to the following conditions:-

1. The recommendations within the Environmental Assessment, submitted with the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted and approved in writing by North Ayrshire Council as Planning Authority, demonstrating the implementation of these undertakings and/or programming of these recommendations.
2. That within two months from the date of this consent a schedule of works for the restoration and landscape feature within the Eastern Area of the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the schedule of works shall include timescales for the restoration and a future maintenance programme.
3. That within one month from the date of this consent, full details of the existing external lighting within the site shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include the lighting type and position within the site.
4. That within one month of the date of this consent, the applicant shall submit for the consideration and approval in writing by North Ayrshire Council as Planning Authority, a schedule of works/timescales for the widening of sections of Shewalton Road to 6m and introduce a one way section along a section of narrow road. For the avoidance of doubt, the areas to be widened and for one way operation are indicated on drawings 13001-SK-03 and 13001-SK-04 contained within Appendix C of the Transport Assessment within the Environmental Statement submitted with the application. Thereafter the works as may be agreed shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
5. That within six months of the site becoming redundant or the cessation of the operation, the equipment and associated structures shall be removed and the site reinstated to the satisfaction of North Ayrshire Council as Planning Authority, in accordance with the terms of a restoration scheme as may be approved by North Ayrshire Council as Planning Authority.

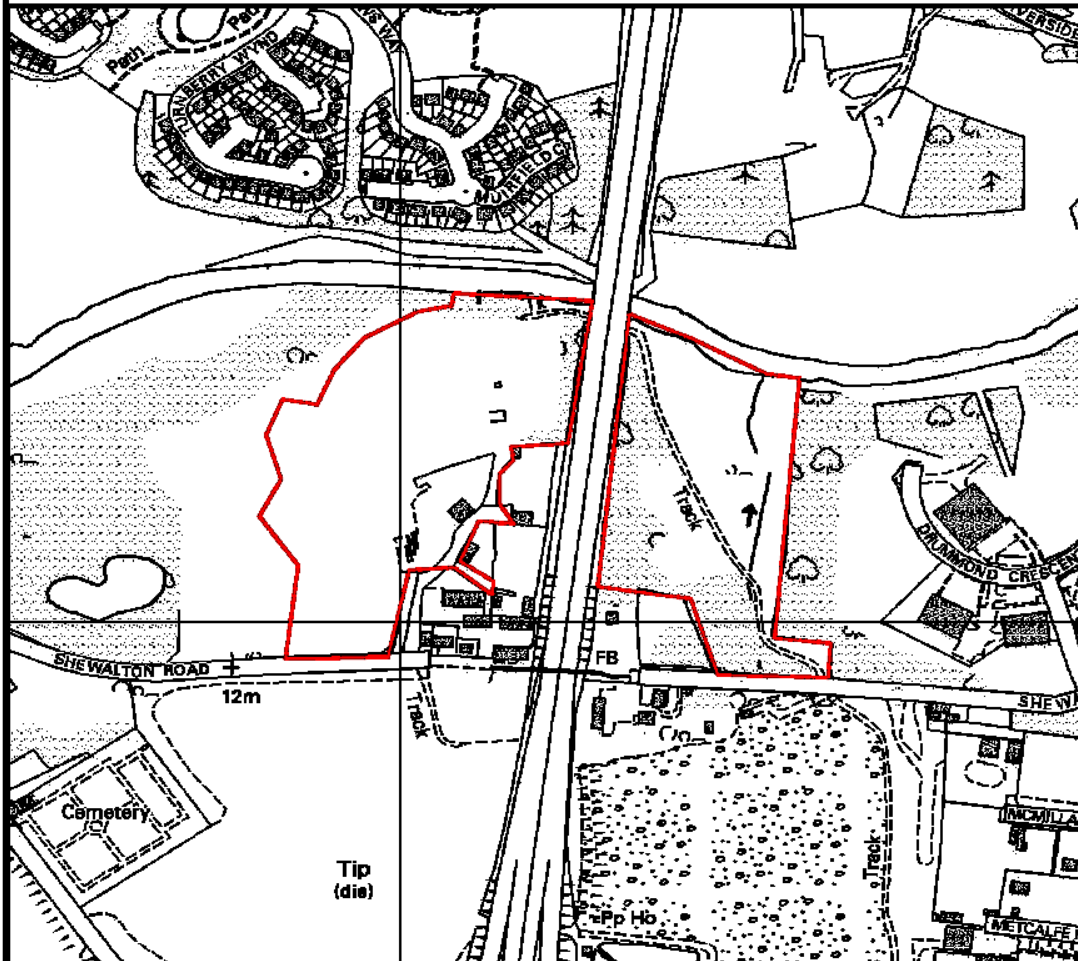
The reason(s) for the above condition(s) are:-

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

4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. In the interest of the amenity of the area.

# Committee Plans

14/00337/PPM







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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4.2**

Planning Committee

Planning Area

**22 October 2014****Irvine/Kilwinning**

Reference

**14/00525/PP**

Application

**8th September 2014**

Registered

Decision Due

**8th November 2014**

Ward

**Irvine West**

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

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**Location**33 Kilwinning Road  
Irvine**Applicant**Platinum Autocare  
33 Kilwinning Road  
Irvine  
KA12 8RT**Proposal**Removal of condition 1 of planning permission  
10/00246/PP to allow the permanent use of a  
carwash facility.

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**1. Description**

This application seeks planning permission for the removal of Condition No. 1 of Planning Permission (ref. 10/00246/PP) to allow the continued use of a carwash facility. Planning permission was originally approved in April 2010 for a temporary period of one year. The proposed car wash comprises of a hand car wash facility, which operates with the assistance of hand held pressure washers.

Condition No. 1 states: "That the operation of the hand car wash hereby approved shall discontinue and the portacabin, shall be removed and the land restored to its former condition on or before 8 June 2011 unless North Ayrshire Council as Planning Authority gives written consent to any variation."

Written consent has subsequently been given to extend the period on a temporary basis. The car wash area is situated along the northern boundary of the site with an office for storage and staff purposes, which is sited on the concrete base of a former petrol station building within the centre of the site. The car wash operates a vehicular 'one-way' system. Hours of operation are 9.00 am to 6.00pm, Monday - Sunday.

The site is bounded by Kilwinning Road and Carrick Drive and a residential property at 31 Kilwinning Road to the south. There is an area of open ground (Irvine Moor) and children's playground to the west, beyond the stopped up section of Carrick Drive. The application site is within a residential area as identified within the Adopted Local Development Plan and requires to be assessed against the General Policy where the relevant criteria would be a) Siting, Design and External Appearance, and b) Amenity.

Planning permission was originally approved in April 2010 for a temporary period of one year, and in June 2010 to vary Condition No. 4 of the consent to include Sunday as a day of operation (Ref: 10/00384/PP). Planning permission was approved in November 2012 to include the siting of a tyre fitting service van (Ref: 12/00665/PP). This was also for a temporary period.

## **2. Consultations and Representations**

Neighbour notification was undertaken on 8 September 2014 and expired on 29 September 2014. The application was also advertised in a local paper for neighbour notification purposes on 19 September 2014 and expired on 10 October 2014. No objections or representations have been received.

Consultation on this application was not required. Environmental Health and Strategic Planning and Infrastructure (Roads) offered no objections on the previous application. There has been no complaints/issues with regards to the facility having an adverse impact on residential amenity or the public road.

### 3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that decisions by planning authorities shall be taken in accordance with the development plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Development Plan is the development plan.

With regards to Criterion (a) of the General Policy, it is considered that the visual appearance of the site has greatly improved since the initial planning approval. The portacabin has been clad to give it a more permanent appearance. There is also higher quality signage associated to the site.

With regards to Criterion (b), it is considered that there would have been an element of disturbance associated with the site's previous use as a petrol filling station. The facility has been operating since 2010 and there have been no complaints to Environmental Health with regards to any amenity issues. The site is also located on a busy route into Irvine where there is a high level of vehicle movement and associated background noise. It is therefore considered that the continued use would not significantly add to the disturbance of the surrounding area with regards to noise, vehicular movement, fumes, etc. As detailed above, it is considered that the appearance of the site has also improved in recent years and the continued use of the site would provide a facility to the wider community.

In view of the above, it is considered that the proposal would accord with the relevant criteria of the General Policy. There are no other material considerations. It is therefore recommended that planning permission is approved.

See Appendix 1



KAREN YEOMANS  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
8 October 2014

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



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00525/PP**

Grant (No conditions).



# Committee Plans

14/00525/PP



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 5**

**22 October 2014**

#### **Planning Committee**

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**Subject:** **Provisional Tree Preservation Order: Land at Willowyard, Beith**

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**Purpose:** To consider the serving of a Provisional Tree Preservation Order for trees and woodland on the lands to the north of the existing bonded warehouses at Willowyard, Beith that are currently under threat from warehouse development by Chivas Brothers.

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**Recommendation:** That the Committee agrees to serve a provisional Tree Preservation Order on all the trees and woodland on land at Willowyard within the boundary outlined in the accompanying plan (except the building footprint for the 14 warehouses that are the subject of Planning Application Ref 14/00467/PPM) in order to protect existing trees and woodland in the interests of amenity and their cultural and historical significance.

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#### **1. Introduction**

- 1.1 The Council has powers under Sections 160, 161 and 163 of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 (Section 28) and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 to serve a Tree Preservation Order (TPO) where it considers it expedient to do so:
- a) in the interest of amenity and/or
  - b) that the trees, group of trees or woodlands are of cultural or historical significance.
- 1.2 Where it appears to the Planning Authority that a TPO should take effect immediately, it may include in the Order that Section 163 shall apply. This provisional Order should take effect immediately the Order is served and continues to be enforced until the end of six months or until the Order is confirmed.

## **2. Current Position**

- 2.1 A request was initially submitted in September 2013 by the owner of the property at Bellevue Cottage, Lochfaulds for a TPO to be served to protect the trees within the proposed development site. At that stage, there were no concrete plans for development of the site and it was decided not to pursue a TPO. Notwithstanding this stance, it was indicated that it was the Council's intention to ascertain the future intentions of Chivas Brothers in relation to their plans for the future expansion at Willowyard with a view to securing a development sensitive to the local landscape and local opinion.
- 2.2 Since August 2013, planning permission has been granted for some 7 warehouses at three different locations within areas of undeveloped land within the Willowyard bonded warehouse complex, which is located between Kilbirnie Loch and Beith. These 7 units have comprised a combination of a “triple” warehouse, a double warehouse and two single warehouses. There is now a development proposal (Ref 14/00467/PPM) to create 14 new warehouses (4 triple and 1 double unit) on land to the north of the existing warehouse complex which is allocated as an existing industrial operation in the countryside under Local Development Plan (LDP) Policy IND 10. This policy recognises that there are a number of existing operations which, for safety and operational reasons, have been developed in the countryside.
- 2.3 The proposal for 14 new warehouses is located within a virgin site unlike previous infill locations which were all within the Willowyard warehouse complex. The site is located to the north of Mains Burn which has a distinctive wooded tree belt presence. The land is currently meadow ground overgrown with rushes and is sub-divided by tree lined hedges into a number of readily identifiable field compartments. The proposed development retains the wooded burn course which helps to provide a landscape buffer between existing warehouse development on the Willowyard site and its proposed extension area to the north east. In addition, the site includes the site of the former Mains House and a distinctive avenue of trees leading to the former house which dates to around 1860. Following consultation with the West of Scotland Archaeology Service the proposal sought to retain the site of the former Mains House and its immediate landscape surrounds but not the avenue of trees.

- 2.4 However, it was considered that the development as initially submitted failed to address the trees and woodland within the local landscape which are of local amenity and cultural/historical importance. The key components of particular local importance are the wooded tree belt on the line of Mains Burn(south western boundary), tree enclosure on the south eastern and north eastern boundaries and woodland within the environs of the former Mains House especially the avenue of trees leading to the site of the former Mains House. While the development proposal looked to protect the immediate woodland environs to the former Mains House, the development failed to protect the avenue of trees to the former Mains House which is one of the key woodland features of the site.
- 2.5 A report has been produced by the Council's Arboricultural Officer (Environment & Related Services - Streetscene) advising that:
- "The site to the north of the existing bonded warehouses does have a semi-wooded presence.....The erection of proposed warehouses 79, 80, 81 and 82 would mean the removal of a group of trees that served as the original avenue on the approach to the former Mains House. These trees, as such, have both historical and cultural significance to the site and to the local area. Some of the mature oak and ash on this part of the site are in excess of 80 to 100 years old. Removal of these trees, via erection of units 81 and 82 in particular, in turn would remove past links to the site..... Erection of units 84, 85 and 86 would also result in heavy tree/hedgerow losses. I would suggest that the possibility of realigning them....I would also comment that the overlay plan indicates that only a few trees would be lost within the footprint of proposed unit 83. There is in fact a large number of established trees and hedgerow on this part of the site. Removal of this section would remove another part of the landscape matrix and a landscape corridor... Erection of units on other parts of the site would also result in the loss of a number of hedgerows and would in effect remove an established landscape framework. The proposal would remove any amenity value that the site has .....In addition to local amenity value and its landscape features, the site has considerable wider amenity value as it can currently be viewed from the adjacent railway line and from the A760."
- 2.6 It is accepted that the trees and woodland within the site provide an important contribution to the character and amenity of the local area. The avenue of trees leading to the former Mains House and other associated trees and woodland provide a valued local amenity which is considered to be of cultural and historical importance and thus worthy of protection. The site lies immediately adjacent to the main Ayr Glasgow rail line and is also readily visible from the A760 Kilbirnie to Lochwinnoch road on the opposite side of Kilbirnie Loch.

- 2.7 After further detailed discussion with Chivas Brothers on the local amenity and cultural/historical value of the avenue of trees to the former Mains House, a revised warehouse layout has now been submitted which would retain this local woodland feature. The decision by Chivas Brothers to amend the warehouse layout to safeguard the trees in question is welcomed. However, to ensure that this important group of trees and other woodland particularly on the site boundaries is adequately protected, it is considered that consideration should also be given to their protection with a TPO.

### **3. Proposals**

- 3.1 It is proposed that a provisional TPO is served on the site owners in respect of all the trees and woodland on land at Willowyard within the application boundary for the proposed warehouse extension area currently the subject of Planning Application Ref 14/00467/PPM (except the building footprint for the 14 proposed warehouses) in order to protect existing trees and woodland in the interests of amenity and their cultural and historical significance. The provisional TPO would be effective from the date of service.
- 3.2 It is best practice to inform neighbouring properties to ensure local knowledge of the protection afforded to these trees. Accordingly, it is proposed that the owners of Mains Lodge, Bellevue Cottage and Lochview are informed of the provisional TPO to ensure the trees and woodland will be protected.

### **4. Implications**

#### Financial Implications

- 4.1 There will be ownership fees involved in registration of the Order if confirmed. These costs are liable to be less than £100.

#### Human Resource Implications

- 4.2 There are unlikely to be any significant resource issues with the TPO if confirmed.

#### Legal Implications

- 4.3 Owners will be served with the Order by Legal Services, meaning that any work to lop, chop or fell the trees or woodland will require permission from the Council.

#### Equality Implications

- 4.4 None.

## Environmental and Sustainability Implications

- 4.5 The serving of a TPO on the area of tree and woodland cover will help to ensure that the trees continue to provide an important contribution to the character and amenity of the local area and its nearby resident population as well as helping to retain their cultural and historical link with the former Mains House.

### Implications for Key Priorities

- 4.6 TPOs can be declared where it is expedient in the interests of amenity and/or that the trees, group of trees or woodlands are of cultural or historical significance. The TPO objectives will assist in achieving SOA outcome of a “Working North Ayrshire” whilst also addressing the needs of the local community to ensure an attractive and unique local environment is preserved and enhanced.

## **5. Consultations**

- 5.1 The Arboricultural Officer (Environment and Related Services) and Legal Services have been consulted.

## **6. Conclusion**

- 6.1 Chivas Brothers are actively pursuing the provision of new warehouse accommodation at their site at Willowyard Beith. Planning permission has been granted for the development of new warehouses within the confines of the warehouse complex and Chivas Brothers are now seeking to secure planning permission for 14 new warehouses on land to the north of their existing complex and within land allocated for industrial development. However, this proposed extension encroaches onto an area, which has its own integral landscape of individual field compartments, with a wide variety of tree and woodland features.

- 6.2 It is accepted that the site has an attractive semi natural woodland appeal with intimate field boundaries comprising hawthorn hedges interspersed with mainly deciduous trees. Mature mixed deciduous trees are evident on the site boundaries and an avenue of trees to the former Mains House along with trees demarcating the boundary to the former property are considered to be of both local amenity and of cultural and historical importance and thus worthy of protection. Current discussions, with Chivas Brothers about their proposed warehouse layout, have led to the submission of a revised layout which looks to safeguard the avenue of trees and is welcomed. However, to ensure that these trees and other important woodland on the site boundary are adequately protected, it is proposed that a TPO be served for the proposed extension area excluding the building footprint for the proposed 14 new warehouse units.



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**Background Papers**

None

