



**NORTH AYRSHIRE**  
COUNCIL

Cunninghame House,  
Irvine.

29 August 2013

### **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 4 SEPTEMBER 2013** 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 the meeting of the Committee held on 14 August 2013 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. Ardrossan, Saltcoats and Stevenston**

Submit reports on the following applications:-

**3.1 13/00356/PP: Stevenston: 148 New Street: Fitness Centre**

Alterations and extension to form training room

**3.2 13/00425/PP: Stevenston: 2 Moorpark Road West**

Erection of new religious meeting hall

(copies enclosed).

**4. Garnock Valley**

Submit report on the following application:-

**13/00395/PP: Kilbirnie: Site to west of 73 Newhouse Drive**

Installation of dry composting toilet and the construction of a lockable storage shed

(copy enclosed).

**5. Irvine/Kilwinning**

Submit reports on the following applications:-

**5.1 13/00370/PP: Irvine: Fleming Terrace**

Demolition of 53 two storey dwellings and subsequent erection of 48 one and two storey dwellings, with associated parking, landscaping and services infrastructure

**5.2 13/00381/PP: Kilwinning: Dirrans Terrace: Site to south of Dirrans Resource Centre**

Erection of single storey rehabilitation building

(copies enclosed).

**6. Revocation Order: Fairlie No 1 Tree Preservation Order: Burnfoot Road/ Station Road, Fairlie**

Submit report by the Chief Executive on the confirmation of the Revocation Order of the Fairlie No 1 Tree Preservation Order for trees at Burnfoot Road/Station Road, Fairlie (copy enclosed).

**7. Urgent Items**

Any other items which the Chair considers to be urgent.

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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  
14 August 2013

**IRVINE, 14 August 2013** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

J Miller, Senior Manager (Planning, Transportation and Regeneration) and D. Hammond, Team Manager (Development Plans)(Development and Environment); and A. Craig, Team Manager (Litigation) and M. Anderson, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Tom Marshall.

**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 previous meeting of the Planning Committee held on 5 June 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Ardrossan, Saltcoats and Stevenston**

**13/00373/PP: Stevenston: Ardeer: ICI Ardeer Site**

NPL Estates Limited, 183 St Vincent Street, Glasgow, G2 5QD has applied for planning permission for the erection of a green waste recycling facility (in-vessel composting) with a designed maximum capacity of 24,750 tonnes and associated access and infrastructure at the ICI Ardeer site, Ardeer, Stevenston.

The Senior Manager (Planning, Transportation and Regeneration) advised of the receipt of an objection from an adjacent landowner.

The Committee, having considered the terms of the objection, agreed to grant the application, subject to the following conditions:-

1. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of all external finishes to the buildings and the design and external appearance of the office/messing facility.

2. 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.

3. That, unless North Ayrshire Council as Planning Authority gives written consent to any variation, the re-cycling facility hereby approved shall be used only for the processing of green and food wastes.

4. That the transfer/process all materials shall take place within the confines of the buildings and connected to the odour abatement systems, to the satisfaction of North Ayrshire Council as Planning Authority.

#### **4. Garnock Valley**

##### **4.1 13/00358/PP: Kilbirnie: Site to North West of 1-3 Newton Street**

BT Openreach, 123 Judd Street, London has applied for planning permission for the installation of 1 DSLAM telecoms cabinet on a site to the north west of 1-3 Newton Street, Kilbirnie.

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

1. That, within six months of the equipment becoming obsolete or redundant, it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

##### **4.2 13/00393/PP: Dalry: Site to West of 2 Aitken Street**

BT Openreach, 123 Judd Street, London has applied for planning permission for the installation of 1 DSLAM telecoms cabinet on a site to the west of 2 Aitken Street, Dalry.

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

1. That, within six months of the equipment becoming obsolete or redundant, it shall be removed and the footpath reinstated to the satisfaction of North Ayrshire Council as Planning Authority.

## **5. Irvine/Kilwinning**

### **5.1 13/00398/PP: Kilwinning: 32 St Winnings Well**

Michael O'Hagan, 32 St Winnings Well, Kilwinning has applied for planning permission for the part change of use of open space to form garden ground and the erection of a single storey extension to the side and rear of the end terraced dwellinghouse at that address.

The Committee agreed to grant the application.

### **5.2 13/00384/PP: Irvine: 18 Kilwinning Road: Si! Cafe Bar Restaurant**

Malcolm and Karen Simpson, The Gales, Marine Drive, Gales, Irvine have applied for planning permission for an amendment to planning permission 10/00801/PP for a bar/restaurant to include the erection of a store within the rear car park, formation of an enclosed service yard, elevational alterations (all in retrospect), together with amendments to the car parking layout and additional parking spaces at Si! Cafe Bar Restaurant, 18 Kilwinning Road, Irvine. Three objections have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed to grant the application, subject to the following conditions:-

1. That, within one month of the date of this consent, hereby approved, details of the timescale for the provision of the additional parking area shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall include evidence of monitoring activities and demonstrate to the satisfaction of the Planning Authority the justification for the proposed timescale. Thereafter, the implementation of the additional parking area shall be undertaken in accordance with the timescale as may be approved in accordance with the layout on drawing 135/0356/PL, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
2. That the external seating areas, including the beer garden and first floor terrace, may be used for any purpose ancillary to the bar/restaurant hereby approved only between the hours of 1100 and 2300 on any day, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. For the avoidance of doubt, no amplified music shall be played externally.

## **6. North Coast and Cumraes**

### **6.1 13/00326/PP: Largs: Fairlie: Site to South of 11 Highfield Terrace**

Michael McGinty, Fairlie Community Sports Club, 14 Castlepark Gardens, Fairlie has applied for planning permission for the formation of a multi use games area to replace the former tennis court on a site to the south of 11 Highfield Terrace, Fairlie, Largs. Five objections have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed to grant the application, subject to the following conditions:-

1. That, prior to the commencement of the development, hereby approved, details of the proposed location and design of the cycle parking racks, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. Thereafter, the approved details, shall be implemented prior to the commencement of the use of the multi use games area.
2. That, prior to the commencement of the development, hereby approved, details relating to: (i) the felling and replanting (siting and species) of the cherry trees to the west of the multi use games area; and (ii) measures for the protection of the existing cherry trees along the roadside of Highfield Terrace during the course of the development in accordance with BS 5837:2012, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. All planting shall be carried out in the first planting season following the coming into use of the multi use games area or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That, for the avoidance of doubt, floodlighting is not approved as part of this development, and the changing pavilion, illustrated on Drawing No. DD 101 (Revision C) does not form part of this planning approval.

### **6.2 13/00278/PP: Fairlie: Pier Road: Site to North of Car Park**

Organic Growers of Fairlie, Pier Road, Fairlie have applied for planning permission for the continuation of the use of land for a Community Garden and retrospective permission for the erection of storage/garden room building and four polytunnels on a site to the north of the car park, Pier Road, Fairlie.

The Committee agreed to grant the application.

### **6.3 13/00342/PP: West Kilbride: 25 Caldwell Road**

Mr R Woods, 25 Caldwell Road, West Kilbride has applied for planning permission for the formation of timber decking and the siting of a gazebo to the side of the detached dwellinghouse at 25 Caldwell Road, West Kilbride. One letter of objection has been received, as detailed in the report.

At the request of the Committee, the Senior Manager (Planning, Transportation and Regeneration), provided clarification that this application, which would otherwise be determined by officers under delegated powers, had been submitted for the Committee's consideration at the request of a local Elected Member rather than as a result of a formal Call In to the Committee.

Councillor Barr, seconded by Councillor Brown, moved that consideration of the application be remitted to officers to determine under delegated powers. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed that the application be remitted to officers for determination under delegated powers.

### **6.4 13/00379/PP: Largs: The Promenade: The Bean and Leaf**

Miss Toni Dawson, The Bean and Leaf, The Promenade, Largs has applied for planning permission for alterations to the front elevation of the building at that address. One representation has been received, as detailed in the report.

The Committee, having considered the terms of the representation, agreed to grant the application.

## **7. Scheme of Delegation**

Submitted report by the Corporate Director (Development and Environment) on a proposed amendment to the Council's Scheme of Delegation.

The current Scheme of Delegation for Local Developments, as required by Section 43A of the Town and Country Planning (Scotland) Act, 1997, was approved by North Ayrshire Council in May 2009. This gives appointed officers powers to determine applications for planning permission within the category of local development or any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a development within that category.

The Scottish Government, in monitoring the efficiency of the planning application process, has responded to concerns that applications in which local authorities have an interest are being unnecessarily delayed as a consequence of a statutory obligation to have such applications determined by a Committee of the Council. The Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013 remove this obligation by allowing determination under an approved Scheme of Delegation.

The existing Scheme of Delegation reflects previous Government guidance and regulations and was approved by the Scottish Ministers. Although Schemes of Delegation are to be prepared at intervals of no greater than 5 years, and the current scheme has been operational for just over 4 years, it is appropriate to exercise the opportunity provided by the new regulation, which will facilitate the delegation of local planning applications submitted by North Ayrshire Council or by any member of the Council, and any local planning application relating to land in the ownership of North Ayrshire Council or in which North Ayrshire Council has a financial interest.

The Committee agreed to recommend to the Council that it (a) adopts the amendment to the Scheme of Delegation prepared under the terms of Section 43A of the Town and Country Planning (Scotland) Act 1997 for determining local developments and subject to approval from Scottish Ministers; and (b) submits the amended Scheme of Delegation to the Scottish Ministers for approval.

#### **8. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Stevenston: 22 Burnlea Place**

Submitted report by the Corporate Director (Development and Environment) on the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the local area, in relation to the building and land at 22 Burnlea Place, Stevenston.

The land in question has previously been cleared in early 2013 but further refuse and litter has accumulated on the site. The boards over the windows are in a poor state of repair. In the interest of the amenity of the area, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure (i) the removal of all rubbish and refuse from the front, side and rear gardens of the property; and (ii) the renewal, as necessary, of the boarding over the windows and doors and painting of the boards a recessive colour.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the local area, in relation to the building and land at 22 Burnlea Place, Stevenston.

**9. Notice Under Section 168 of The Town & Country Planning (Scotland) Act 1997: Kilwinning: Montgreenan: Land to North East of East Lodge North**

Submitted report by the Corporate Director (Development and Environment) on the serving of a Tree Replacement Notice under Section 168 of the Town & Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of a Tree Preservation Order on land to the north east of East Lodge North, Montgreenan, Kilwinning.

The site forms part of the woodland of the former Montgreenan Estate and is covered by the Kilwinning No 1 Tree Preservation Order (TPO).

In the interest of the amenity of the area, it is proposed that a Tree Replacement Notice under Section 168 of the Town and Country Planning (Scotland) Act 1997 be served to secure (i) the planting of tree whips, approximately 1 metre in height with a central stem and little or no side branching, along the border of the woodland and Craven Mill Road. Four to five whips to be planted per linear metre for a distance of approximately 75 metres, where the previous hedgerow trees have been removed. The whips are to be a mixture of hawthorn, blackthorn and field maple tree whips; (ii) within the woodland set back from the road, where trees have been cleared, the planting of 30 oak whips; and (iii) any trees which, within a period of five years, following compliance with clauses (i) and (ii) of the Notice, 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.

The Committee agreed (a) to authorise the serving of a Tree Replacement Notice under Section 168 of the Town and Country Planning (Scotland) Act 1997 requiring the planting of trees to replace those cut down in contravention of the Kilwinning No 1 TPO on land to the north east of East Lodge North, Montgreenan, Kilwinning; and (b) that, in the event of non compliance with the terms of the Notice, to authorise officers to refer the matter to the Procurator Fiscal.

**10. Notice Under Regulation 24 of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984: Saltcoats: 13 Winton Street**

Submitted report by the Corporate Director (Development and Environment) on the serving of an Advertisement Enforcement Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 requiring the removal of an unauthorised advertisement at 13 Winton Street, Saltcoats.

In the interest of the amenity of the area, it is proposed that an Advertisement Enforcement Notice be served under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to secure the removal of the advertisement from the boundary wall.

The Committee agreed to authorise the serving of an Advertisement Enforcement Notice under Regulation 24 of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 to secure the removal of the advertisement from the boundary wall on land at 13 Winton Street, Saltcoats.

## **11. North Ayrshire Supplementary Landscape Wind Capacity Study**

Submitted report by the Corporate Director (Development and Environment) on the preparation of "North Ayrshire Supplementary Landscape Wind Capacity Study" as an addendum in support of the existing Supplementary Guidance prepared in 2009 entitled "Landscape Capacity Study for Wind Farm Development in North Ayrshire".

In June 2013, Scottish Natural Heritage, in conjunction with the 3 Ayrshire Councils and the Ayrshire Joint Planning Unit commissioned a landscape capacity study for wind turbine development in Ayrshire. The review study provides supplementary information to the 2009 Landscape Capacity Study in the form of a more detailed landscape and visual sensitivity assessment for wind turbine developments within selected landscape character types. It also sets out clear spatial principles as to what height of turbine would be appropriate, in landscape and visual terms, within the different landscape character types considered in the study. The design and siting guidance provided should promote good practice in locating and siting individual and small groups of turbines below 50m in height.

The Committee agreed (a) to approve (i) the "North Ayrshire Supplementary Landscape Capacity Study" for publication as a 'non statutory' addendum of the existing Supplementary Guidance on landscape capacity prepared in 2009; and (ii) the publication of the addendum for consultation to allow it to become 'statutory' on adoption of the new Local Development Plan; and (b) that Carol Anderson Landscape Associates be invited to provide a wind turbine training session for Members of the Committee.

The meeting ended at 2.35 p.m.

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3.1**

Planning Committee

Planning Area **4 September 2013**  
**Ardrossan Saltcoats and**  
**Stevenston**

Reference **13/00356/PP**  
Application **18 June 2013**

Registered  
Decision Due **18 August 2013**  
Ward **Saltcoats & Stevenston**

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**Recommendation Grant as per Appendix 1**

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**Location** Fitness Centre  
148 New Street  
Stevenston  
KA20 3HH

**Applicant** Glencairn Bodybuilding Club  
148A New Street  
Stevenston  
KA20 3HQ

**Proposal** Alterations and extension to form training room

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**1. Description**

This application seeks planning permission for the erection of an extension to the east side of Glencairn Bodybuilding Club. The club is operated from a building to the south east of Glencairn Primary School which was formerly part of the school and is now leased by the club from North Ayrshire Council.

The site is on the east side of New Street, some 360m south of Stevenston Cross and is bounded to the south by Livingstone Parish Church, to the east by Ardeer Stadium and by residential properties on the west side of New Street. The pedestrian access to the building is delineated from the school grounds by a 2m high mesh fence. There is no dedicated parking area serving the building.

The proposed flat roof extension would have a footprint of some 66.5m<sup>2</sup> and would project some 6.5m from the east (rear) elevation of the existing building. The roof would be some 3.1m high and the extension would be externally finished to match the existing building. The extension would be erected on a rear rough grassed area enclosed by a 2m high brick wall at the east boundary with Ardeer Stadium.

The application site is in a residential area, as identified within the adopted North Ayrshire Local Plan (excluding Isle of Arran). The application relates to an extension of the existing use and requires to be assessed against the Development Control Statement of the Local Plan.

## **2. Consultations and Representations**

The statutory neighbour notification procedures were undertaken including the advertisement of the application in the local press on 26 June 2013 for neighbour notification purposes. No objections or representations to the proposals have been received.

**Environmental Health (Contaminated Land)** - No objections.

**NAC Estates** - As landlords of the property, Estates has no objection in principle to the proposed development, as previously stated to the tenant. This area is known to be affected by mining subsidence and all necessary investigation should be undertaken by the tenant's agent.

Response - The agent has verbally indicated that he is aware of the requirements to consult with the Coal Authority in terms of potential past mine workings in the area and to submit survey details as part of the Building Warrant process. An informative note could be added to any planning permission to confirm the requirement to address these issues.

## **3. Analysis**

The proposal is to extend the existing gym to provide an additional 'cardio' training room at the rear. The proposal relates to an existing use and there are no development plan policy issues arising.

The main determining factor is therefore whether the proposal accords with the criteria of the Development Control Statement. The relevant criteria in this case are (a) siting, design and external appearance, (b) amenity and (d) access and parking provision.

In relation to criterion (a) of the Development Control Statement, it is considered that the siting, design and external appearance would be appropriate given that the extension would be to the rear of the building and not readily visible from New Street or public areas to the west. In relation to criterion (b), there would be no adverse impact on the residential amenity of any neighbouring properties given the location to the rear of the existing building and separation distances of 90m to the nearest houses on New Street to the west and 75m to the south. The use is not of a type likely to give rise to any significant noise or disturbance to neighbouring properties.

The proposed extension would be minor in scale in relation to the existing building and its setting between the school and church and it would not result in any significant increase in the number of users of the facilities. There is no dedicated car parking associated to the building and users of the facilities utilise public parking within the area. The proposal accords with criterion (d). The proposed development complies with the relevant provisions of the Development Control Statement in the Local Plan and it is recommended that planning permission should therefore be granted.

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

See Appendix 1.



**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
20 August 2013

For further information please contact Neil McAteer, Assistant Planning Officer ,  
on 01294 324316



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00356/PP**

Grant (No conditions).

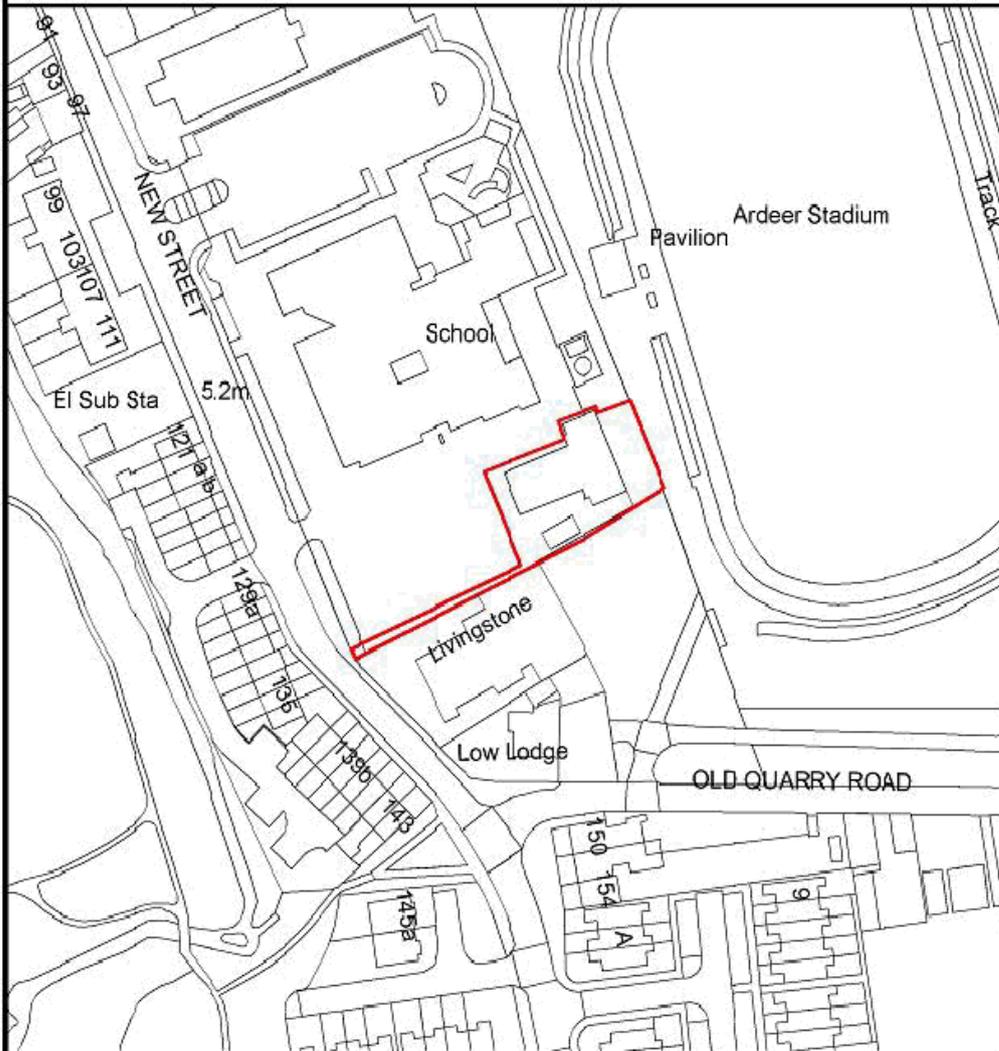
Reason(s) for approval:

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



# Committee Plans

13/00356/PP





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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3.2**

Planning Committee

Planning Area **4 September 2013**  
**Ardrossan Saltcoats and**  
**Stevenston**

Reference **13/00425/PP**  
Application **19th July 2013**

Registered  
Decision Due **19th September 2013**  
Ward **Saltcoats and Stevenston**

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

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**Location** 2 Moorpark Road West  
Stevenston

**Applicant** Kilbirnie Congregation of Jehovah Witnesses  
2 Moorpark Road West  
Stevenston

**Proposal** Erection of new religious meeting hall

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**1. Description**

This is an application for the erection of a new religious meeting hall on the site of the applicants' existing meeting hall which would be demolished. The application site is located on the south side of Moorpark Road West close to its junction with Burnbank Street. The site is adjoined by 2 storey residential flats and dwellinghouses to the west (side) and on the opposite side of Moorpark Road West and, to the east, by the recently extended North Ayrshire Council (NAC) Social Services facility at Caley Court.

To the rear of the site is a large area of waste ground, within the ownership of NAC, part of which is included within the application site. The existing meeting hall occupies almost all of its existing site, at 23m wide and 19.5m deep (460 sq. meters). The proposed enlargement of the site would extend into the NAC land by a further 10m to the rear.

The proposed building would be rectangular in floor plan measuring some 21.3m long by 10.3m wide and would be of single storey construction, 3m high to wallhead and 6.3m to the ridge, at right angles to the road frontage. The main entrance to the hall would be located on the front elevation of the building with a projecting canopy feature above and the only other door opening would be towards the rear of the east facing elevation. No other door or window openings are proposed due to security concerns experienced with the existing building on the site. It is proposed that the external finishes of the building would comprise red facing brick walls with a grey facing brick base course and grey concrete roof tiles and would also incorporate timber cladding on the upper section of each gable elevation. Two disabled parking spaces would be provided within the site from an improved vehicle and pedestrian access at Moorpark Road West.

In the Adopted North Ayrshire Local Plan the application site lies within a Residential area and is unaffected by any proposals therein. The application also requires to be considered against the relevant criteria of the Development Control Statement of the Local Plan which in this case are considered to be (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision.

## **2. Consultations and Representations**

The standard neighbour notification procedure was undertaken and the application was also advertised in the Local Press on 31 July 2013 for neighbour notification purposes. No representations were received as a result of the above publicity exercise.

**Development & Environment (Roads)** - No objections subject to conditions on the design of the vehicular access and the provision of a turning area within the site. The applicants agreement with NAC Social Services for their congregation to utilise the adjacent NAC car park is acceptable.

*Response - In relation to the proposed use of the adjacent NAC car park at Caley Court the applicant has provided a letter from NAC Social Services confirming the right of the Church congregation to use the car park when not in use by the Council. Conditions are attached in relation to the other matters raised by NAC Roads.*

**Environmental Health** - No objections subject to a condition being attached to require the discovery of any unsuspected contamination to be brought to the attention of the Council. Environmental Health also advise that the application site lies close to the edge of a former landfill area and as a precaution the applicant should incorporate a gas membrane within the floor slab construction and confirm that they have written to the applicant and agent regarding these matters.

*Response - An appropriate condition would address the discovery of unsuspected contamination. The issue of incorporating a gas membrane within the floor slab construction design would be dealt with under any subsequent building warrant application for the proposed building.*

### **3. Analysis**

The application site lies within an area allocated for residential purposes within the adopted Local Plan, however the proposal does not involve any change in use of the site and therefore there is no policy conflict in relation to the principle of the proposal.

In relation to criterion (a) of the Development Control Statement of the Local Plan, the existing single storey meeting hall on the site is to be demolished and the site extended by some 10m in depth and replaced with a new building of similar floor space and scale but with a simplified rectangular floor plan and additional external space. Moorpark Road West comprises a mix of residential properties of single and two storey construction and the recently refurbished and extended NAC Social Services premises at Caley Court, and a modern sheltered residential unit. The neighbouring buildings comprise of a variety of external finishes and the proposed finishes would be generally compatible with the area, subject to approval of the specific materials through an appropriate condition. It is proposed to enclose the site with a 1.8m high timber fencing to the rear and sides. The existing dwarf wall and railing on the front and part of the side (east) boundary would be retained.

Criterion (b) requires that the proposed development should not have an adverse impact on the amenity of neighbouring properties. It is not considered that the operation of the replacement building would be significantly different from the existing activities.

In relation to criterion (d), Roads offers no objection to the proposed development, subject to conditions being attached relative to the proposed alterations to the vehicle access to the site and to require the applicant to provide a turning space within the site to allow cars utilising the two proposed parking spaces to enter and leave the site in a forward gear.

There is adequate space within the curtilage of the property to accommodate a turning area, which can be addressed by a condition. While it may be possible to accommodate limited additional parking within the site the applicants have submitted a letter from NAC Social Services giving permission from the Council for the church congregation to use the large Social Services car park, which is located adjacent to the application site for use at times, when it is not required by the Council, which is acceptable to Roads.

The proposal complies with the relevant provisions of the Local Plan and, there being no other material considerations, it is recommended that conditional planning permission be granted.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
22 August 2013

For further information please contact Gordon Craig, Planning Officer , on 01294 324380

GC/SLP

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00425/PP**

Grant subject to the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details/samples of the proposed external finishes.
2. 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.
3. That the applicant shall form a footway crossing to North Ayrshire Council Roads Guidelines to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the first 5 metres of the access, measured from the heel of the footway shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.
5. That the proposed vehicle access gates shall be set back 5 metres from the rear of the adjacent public footway and both this gate and the proposed pedestrian gate shall open inwards only.
6. That a turning area shall be delineated within the site the satisfaction of North Ayrshire Council as Planning Authority to enable vehicles to enter and leave the site in a forward gear.

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

1. In the interest of the amenity of the area.
2. To meet the requirements of Environmental Health.
3. To meet the requirements of North Ayrshire Council as Roads Authority.
4. To meet the requirements of North Ayrshire Council as Roads Authority.

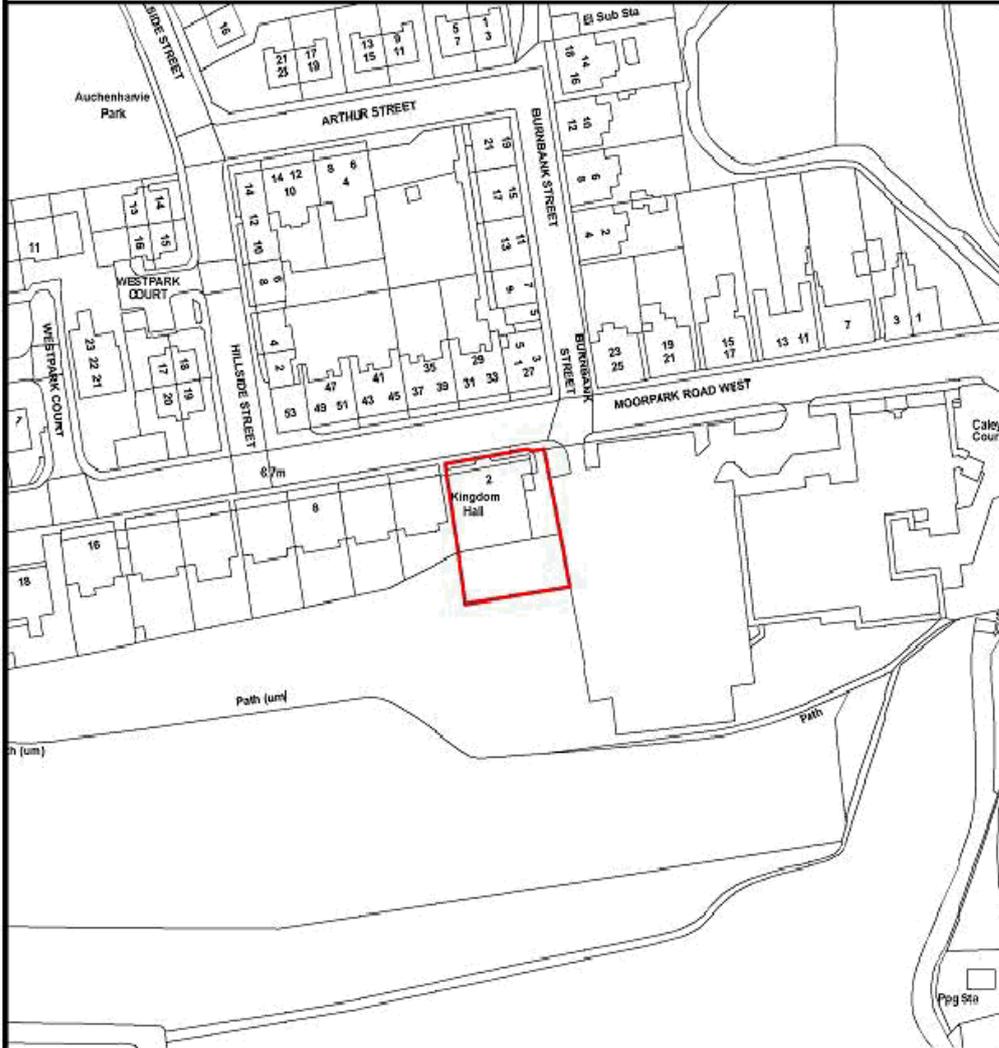
5. To meet the requirements of North Ayrshire Council as Roads Authority.
6. To meet the requirements of North Ayrshire Council as Roads Authority.

Reason(s) for approval:

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

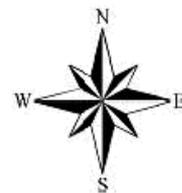
# Committee Plans

13/00425/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4**

Planning Committee

**4 September 2013**

Planning Area

**Garnock Valley**

Reference

**13/00395/PP**

Application

**24th July 2013**

Registered

Decision Due

**24th September 2013**

Ward

**Kilbirnie and Beith**

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

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**Location**                      Site to west of 73 Newhouse Drive  
Kilbirnie

**Applicant**                      Jacqueline Bennett  
14 Scholars Wynd  
Beith

**Proposal**                      Installation of dry composting toilet and the  
construction of a lockable storage shed

---

**1. Description**

An allotment garden site has been established on vacant land to the west of Newhouse and Sersley Drive in Kilbirnie as approved by Committee in May 2010 (ref. 10/00213/PP). The Council has an ownership interest in the site. It is now proposed to site a dry compost toilet and storage lockers within the site compound at the north end of the site near the car park. The compound is enclosed by a 2 metre high metal palisade fence and accommodates two secure storage buildings.

A site has been identified within this area for the proposed toilet, which is a free standing, prefabricated building of metal construction with galvanised steel box section frame. The building would measure 2.36m x 1.795m on plan, and the maximum height above ground level would be 2.3m. The external finish of the building would be green colour-coated metal sheets, similar in appearance to the existing containers on the site. Solid waste would be collected below the building within specially constructed watertight vaults, where decomposition would take place. Vaults would require to be emptied annually from collection hatches on the floor of the toilet. Liquids are kept separate from solids and would be drained to a soakaway pit. There would be no running water included within the design, therefore no handbasin or toilet flush. A hand cleaning facility would, however, be provided.

The proposed storage lockers would be for small items such as boots and spades. The ten lockers, each measuring 1.2m in width, 2.3m in height and 1.8m in depth, would be sited in a row alongside one of the storage containers within the compound.

The application site is within an area identified as countryside in the North Ayrshire Local Plan (Excluding Isle of Arran) and, as such, the proposal requires to be assessed against Policy ENV1 (Development in the Countryside) which indicates a presumption against development which is not related to farming, forestry or other legitimate rural enterprises. However, in this instance, it is considered that as the proposal relates to a recreational facility, Policy OS1A (New and Upgraded Leisure and Recreational Facilities) would be relevant. Policy OS1A supports the upgrading of existing facilities or the provision of new sports and recreational facilities to expand and improve the range available to local people in appropriate locations. The proposal also requires to be assessed against Development Control Statement (DC Statement) contained within the local plan where the relevant criteria would be (a) siting, design and external appearance and (b) amenity; and (d) Access, Road Layout and Parking Provision.

## **2. Consultations and Representations**

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

**Environmental Health** - No objections subject to conditions to meet the requirements of Environmental Health.

*Response: Conditions to meet the requirements of Environmental Health, where relevant to land use planning, can be imposed.*

### 3. Analysis

As the application site is located within the countryside as identified in the Local Plan, the proposal requires to be assessed against Policy ENV1 (Development in the Countryside) where there is a presumption against development which is not related to farming, forestry or other legitimate rural enterprises. The proposal does not accord with Policy ENV1. However, as the proposal relates to a recreational facility, Policy OS1A (New and Upgraded Leisure and Recreational Facilities) would be relevant in this instance. Policy OS1A supports the upgrading of existing recreational facilities to expand and improve the range available to local people through public community or private ventures in appropriate locations. It is considered that the proposal is required to meet the needs of the allotment users and that, as an upgrading of an existing recreation facility, the development accords with Policy OS1A.

With regards to the Development Control Statement (a) Siting, Design and External Appearance, the original proposal for the toilet indicated that the preferred site would be at the very north end of the compound. Following site inspection, it was evident that a memorial oak tree had been planted in this area, which would require to be relocated. Furthermore, this site was deemed to be less suitable than some of the alternatives available within the compound. The site for the toilet was amended to a position close to one of the two storage buildings on the site. The site is screened from nearby housing at Sersely Drive from the site. The proposed storage lockers would be sited in a row alongside one of the storage containers within the compound, which is acceptable.

#### (b) Amenity

From the applicant's supporting information, it is considered that the composting system would not have any adverse effect on the amenity of the area with respect to odours or liquid effluent. The solid wastes would be composted within the vaults below the toilet which would be available for future use as fertiliser within the site. A soakaway would be required and this would require a building warrant, which would need to be applied for separately.

#### (d) Access, parking, etc.

The toilet would not require to be emptied by road tanker although it would be conveniently located at a position within the allotment which can be easily reached by a service vehicle without causing any damage to the allotment plots.

In view of the above, it is considered that whilst the proposal does not accord with Policy ENV1, it does accord with Policy OS1A and the relevant criteria of the Development Control Statement. In the above circumstances, it is considered that greater weight can be given to Policy OS1A and the relevant criteria of the Development Control Statement. It is therefore recommended that planning permission is approved subject to conditions to meet the requirements of Environmental Health, as discussed above.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
21 August 2013

For further information please contact Anthony Hume, Planning Officer , on 01294 324318.

AH/JW

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00395/PP**

Grant subject to the following conditions:-

1. That the soak-away for the waste water shall be designed such that it does not cause contamination to the nearby allotments or flow directly into a watercourse.
2. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To meet the requirements of Environmental Health.
2. To meet the requirements of Environmental Health.

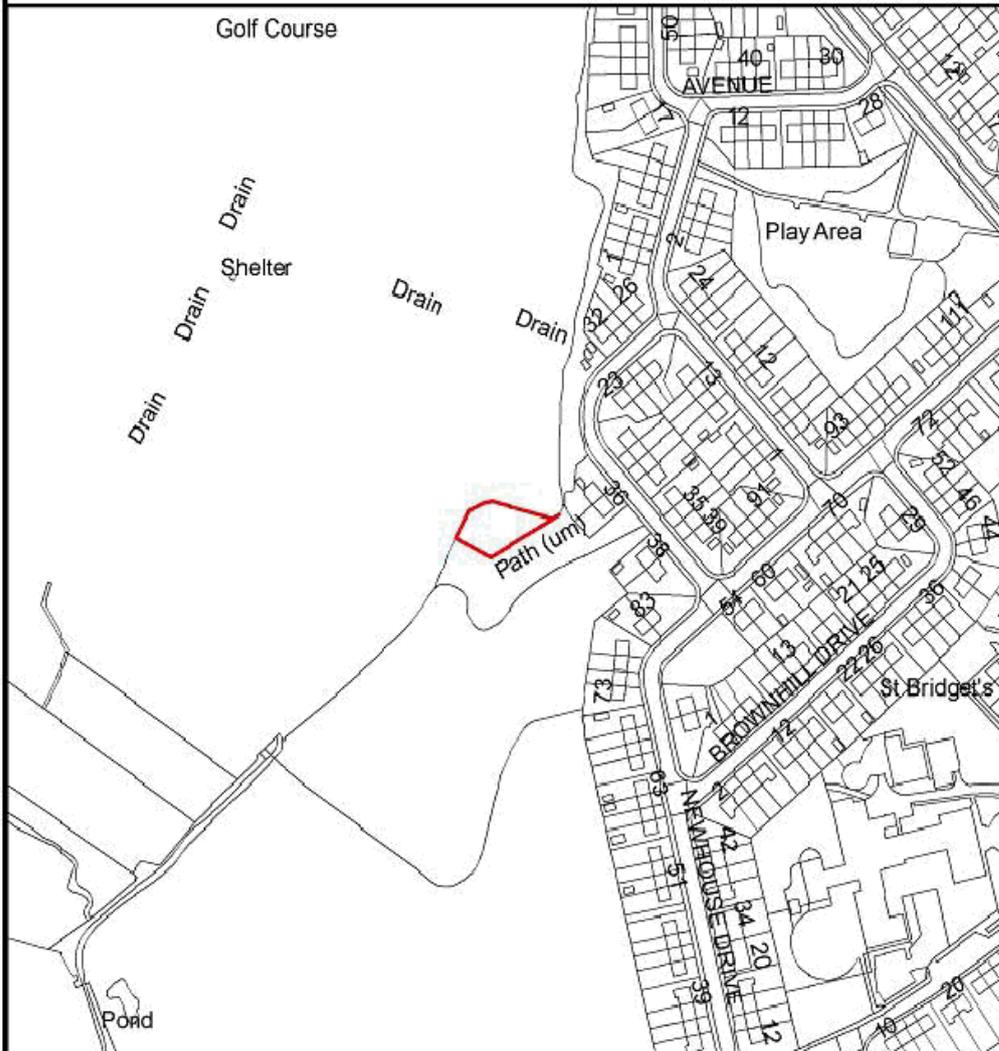
Reason(s) for approval:

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



# Committee Plans

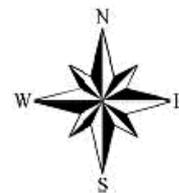
13/00395/PP



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 5.1**

Planning Committee

**4 September 2013**

Planning Area

**Irvine/Kilwinning**

Reference

**13/00370/PP**

Application

**27 June 2013**

Registered

Decision Due

**27 August 2013**

Ward

**Irvine West**

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**Recommendation**      **Agree to grant subject to (a) the applicants entering into a Section 75 Agreement or other suitable arrangement to secure the payment of a commuted sum associated to the provision of play facilities; and (b) the conditions contained in Appendix 1**

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**Location**                      Fleming Terrace  
Irvine  
Ayrshire

**Applicant**                      Cunninghame Housing Association Limited  
82 Glasgow Street  
Ardrossan  
Ayrshire

**Proposal**                      Demolition of 53 two storey dwellings and subsequent erection of 48 one and two storey dwellings, with associated parking, landscaping and services infrastructure

---

**1. Description**

The application relates to an existing housing area within the Vineburgh area of Irvine, as the fourth phase, of a wider regeneration programme by Cunninghame Housing Association (CHA).

The proposal comprises of the clearance of 53 units comprising dwellinghouses and cottage flats, and redevelopment of 48 terraced and semi-detached two and three bed houses for social rent, and associated works. Part of Fleming Terrace would be realigned, within the boundary of the existing road, and upgrades to the junction with Carmichael Place. Finishing materials include red/buff brick, white wet dash render and timber cladding. The roofs would have a uniform pitch, whether dual or mono-pitch, and be clad with grey concrete roof tiles.

Two three storey townhouses, which would have mono-pitched roofs, would be located at a key position on the western end of the phase, to form a "feature" gateway to the development. Single storey amenity housing is located around the Carmichael Place junction. Fleming Terrace is now the principal route through the regeneration area, following the partial closure of Old Caley Road as part of an earlier phase. The proposed properties would both front and take access off Fleming Terrace. Proposed landscaping would create a tree lined avenue.

A large area of amenity space is being formed on the southern part of Old Caley Road, on its east side, beyond Vineburgh Avenue as part of a separate phase. This landscaped amenity space would contain both equipped and non-equipped play areas, with high quality streetscape specification to create a community "greenspace" and play facility for the wider Vineburgh Regeneration Project.

Officers have negotiated various improvements to the proposals, including road revisions and redesigns to private gardens. Some of the gardens reflect both the applicants' need to provide a range of garden sizes and the irregular boundaries of the site.

The site, extending to some 1.32 hectares, is relatively level, and the proposed dwellinghouses would be of a contemporary design, with a variety of styles and finish, with a continuity in the overall design type, both within this phase and across the three previous phases. The site is generally bounded by other residential areas, although there is a retail unit and hot food takeaway to the eastern end of the phase, on the north side of Fleming Terrace.

In the adopted North Ayrshire Local Plan (excluding Isle of Arran), the site is within an area allocated for residential purposes. It is not affected by any site specific policies or proposals therein. Policy RES1 (Housing Allocation) of the Local Plan states that proposals for residential development within residentially allocated areas shall accord with the Local Plan.

The other relevant policy is OS2 (Open Space and Play Provision in New Housing Developments), which requires that new housing developments make provision for open space and children's play facilities, in accordance with NAC guidance -"Provision and Maintenance of Landscaping, Open Space and Play Provision in New Housing Developments".

The applicant has also addressed Policy BE13 on the provision of art in the community. All applications must also be assessed against the relevant criteria within the Development Control Statement (DCS) of the Local Plan.

Planning permission was granted in November 2008 (Ref: 08/00738/PP) for the first phase of the Vineburgh Regeneration Programme for the erection of 82 dwellings. A second phase was granted planning permission in June 2010 (Ref: 10/00231/PPM) for 94 dwellings. Finally a third phase was granted planning permission on the 24 January 2012 (Ref: 11/00625/PPM) for the erection of 63 dwellings.

The application is supported by a PDSI Report, which investigates the existing ground and geo-environmental conditions and a Design Statement (DS) which addresses:-

1. The consultations undertaken prior to the application with NAC Planning, Cleansing and Roads; Scottish Water; the local community; elected members and other bodies;
2. Details of the housing proposals including mix and schedule, floor plans, and housing for varying needs; and site layout specifying development standards, levels, topography and drainage;
3. Site/Road layout and parking, incorporating consideration of "home zones" and shared surface streets;
4. Amenity space/landscape proposals also including residential amenity space and public open space, public landscaping, play area provision and community art;
5. Refuse storage and collection arrangements; and
6. Built form, including finishing materials and other issues including secure by design, lighting, sustainable design and the phasing and programme for both the overall master plan and phase 3.

## **2. Consultations and Representations**

Neighbour notification has been undertaken in accordance with statutory procedures and one representation has been received on the following issue:

1. The proposed boundary to the rear of blocks 1, 3 and 5 is proposed to be extended from that associated to the current properties. This would see the gardens of the proposed properties adjoin the rear wall of 31 and 30 Carmichael Place and reduce the privacy at the rear of and within the gardens of 31, 30, 29 and 28 Carmichael Place. Presently 31 and 30 back onto an area of waste ground rather than other gardens.

*Response: It is considered that there would not be any unacceptable impact on the privacy or amenity of the named properties. Although some of the proposed properties would be closer than the present situation and would see garden areas adjoin boundaries where this is not currently the case, the distances of separation and nature of the garden to garden uses is considered appropriate and in line with acceptable standards.*

**Irvine Community Council** - No objections.

**SEPA** - No objections. Advice in relation to foul and surface water drainage is provided. Early discussion with Scottish Water is recommended and treatment of surface water should be in accordance with the principles of SUDs manual. Guidance on construction/demolition pollution prevention and the transportation of controlled waste is also highlighted.

*Response: The matters raised can be dealt with by the attachment of suitable informatives/conditions to any planning permission.*

**NAC Development & Environment (Roads)** – No objections. Advise that discussions with the developer on the road layout and parking have been undertaken. The original plans indicated an overprovision of parking and a reduction to one space per dwelling and 5 - 10 visitor parking spaces was considered appropriate and would also allow for more landscaped areas to be incorporated.

Conditions are recommended on relation to: 1. Two bus stops, with raised kerbs and shelters shall be provided in a location to be confirmed at Roads Construction Consent (RCC) stage; 2. Roads Construction Consent is required; 3. Vehicular access to the site to be provided with a drop kerb footway crossing to be formed as detailed in sections 5.2 & 10.8 (and Fig 10.16) of the Roads Development Guidelines; 4. No surface water to issue from driveways onto public road; and 5. The first 2 metres of driveways to be hard surfaced in order to prevent loose material from being deposited onto the public road.

*Response – The relatively low level of parking provision associated to the proposals, reflective of the low level of car ownership in the area, is noted and the proposals have been updated to reduce parking provision in line with the stated standard and to provide additional landscaping. In relation to the recommended conditions it is considered that the requirement for bus stops can be addressed by a suitable planning condition. The other matters will be addressed at RCC stage. Informatives, attached to any planning permission, can advise of the need for RCC.*

**NAC Grounds Maintenance** – No comments. Previous advice on other phases has seen discussion with the applicant on the overall play strategy, and comments on both soft landscaping and play areas.

*Response – Noted. Suitable conditions to those associated to previous phases could be attached requiring further details of landscaping and future maintenance arrangements.*

**Scottish Water** – No objections. Advise that the water network may be able to serve the proposal. Works to the local network may be required to ensure no loss of service to existing customers in terms of both water and waste water. A totally separate drainage system will be required with surface water discharging to a suitable outlet. SUDS as detailed in “Sewers for Scotland 2” will be required as the system is to be considered for adoption by Scottish Water.

*Response – Noted. Suitable conditions/informatives could be attached to address the matters raised.*

**NAC Environmental Health** – No objections, but raised matters relating to the construction process and contamination.

*Response – Noted. These matters can be dealt with by the attachment of suitable informative and condition of planning permission.*

**Strathclyde Partnership for Transport (SPT)** – In line with previous responses on related phases of the Vineburgh regeneration, comments focus on the impact on the safe and efficient operation of bus services in the area. Fleming Terrace is a bus route and should it require to be closed at any point during the development process, an alternative bus route must be agreed with North Ayrshire Council, SPT and bus operators. This is to ensure the continued provision of public transport to the area.

It is noted that passive traffic calming measures having been incorporated in the proposed layout and this is welcomed. However the raised table proposed at the junction of Carmichael Place is not considered appropriate on a bus route. However, if it is considered necessary to provide traffic calming measures, they must be 'bus friendly', such as speed cushions with on-street parking prohibited adjacent to them.

The 2 bus stops located within the site should remain operational throughout the development process. Should this not be possible, then the stops must be reinstated on completion, with all costs being met by the applicant. Infrastructure provided at the bus stops should include hard standing, a raised kerb, a flag with information panel, a shelter with an electrical connection and on-road markings.

The identification of a suitable location for bus stops within this development site should be a condition of any planning consent. The location of these bus stops should be identified by NAC Roads in conjunction with SPT and be located so as not to sit immediately outside a residential property while being overlooked, in order to provide passive surveillance to enhance safety and security for users.

*Response – Noted. Suitable planning conditions and informatives can be attached to any planning permission.*

### **3. Analysis**

As the site is located within a residential area, as identified in the local plan, the proposal only requires to be assessed against Policies OS2 (Open Space and Play Provision in New Housing Developments), BE13 (Art in the Community), BE14 (Design Guidance) and the Development Control Statement (DCS). The Council's adopted Neighbourhood Design Guidance is a material consideration in relation to Policy BE14.

Policy OS2 requires that new housing developments shall meet provision for open space and children's play facilities in accordance with the approved North Ayrshire Council Policy for the Provision and Maintenance of Landscaping, Open Space and Play Areas in the New Housing Developments (Local Plan Supporting Information Paper 4). Such proposals require to be located in such a way as to contribute to the establishment of a green corridor network in the interests of the amenity, outdoor recreational, landscape and nature conservation of the area. The provision for open space and landscaping within the site is considered acceptable, however further details would be required by planning conditions.

Although there are no children's play facilities proposed within this phase there has been a more strategic approach taken where provision has been addressed on in the wider phasing of the Vineburgh regeneration. The main facility being off the Quarry Road / Old Caley Road junction (Phase 2) and a smaller facility in Phase 3. In relation to this application (Phase 4) the supporting Design Statement indicates that the preference is to make provision by a commuted sum. The proposals comply with the principles set out in Policy OS2, subject to the conditions relating to landscaping details and the commuted payment.

Proposals for community art are proposed as part of the wider regeneration works and are considered to address the needs of this phase and as such the proposals are considered to comply with Policy BE13. It is considered that the proposals reflect the approved built form in the area and the general principles of the Council's adopted Neighbourhood Design Guidance and thus Policy BE14.

The proposal also requires to be assessed against the Development Control Statement of the Local Plan. Criteria (a) Siting, Design and External Appearance; (b) Amenity; (d) Access, Road Layout, Parking Provision; and (e) Water and Sewage are considered relevant.

In this regard it is considered that the amended proposals would enhance the character and residential amenity of the surrounding area. An informative could be attached in relation to construction practices highlighted by NAC Environmental Health and a condition applied to address any unsuspected contamination. The proposals accord with Criterion (a) and (b).

A condition could be attached to address the continuous operation of the bus route along Fleming Terrace, or that a suitable agreed alternative is provided, and that two bus stops shall be made available. The proposal accords with Criterion (d) subject to compliance with the above recommended conditions. The proposals also comply with Criterion (e), subject to a suitable planning condition relating to the provision of a SUDS system. It is therefore considered that the proposals accord with the relevant criteria of the Development Control Statement.

In view of the above, it is considered that the proposals can be supported subject to the provision of a commuted sum, planning conditions and the informatives.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
22 August 2013

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

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00370/PP**

Agree to grant subject to (a) the applicants entering into a Section 75 Agreement or other suitable arrangement to secure the payment of a commuted sum associated to the provision of play facilities; and (b) the following conditions:-

1. That, prior to the occupation of the first house hereby approved, full details of the proposed landscaping areas shown on the approved site plan, which shall include details of: equipment, benches, means of enclosure, species, planting densities, soil treatment and aftercare, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

2. That, prior to the occupation of any of the dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a future management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space areas. The management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

3. 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 CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 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.

4. That the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be brought to the attention of North Ayrshire Council's Environmental Health section. Thereafter, a suitable investigation strategy shall be submitted, for approval, and any findings carried out all to the satisfaction of North Ayrshire Council as Planning Authority.

5. That details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, any such details, which may be agreed, shall be implemented prior to the occupation of each house and thereafter maintained all to the satisfaction of North Ayrshire Council as Planning Authority. Individual boundary and screen fences shall be erected prior to the occupation of the dwelling within the plot to which they relate.

6. If the bus route requires to be closed at any point during the development process, an alternative bus route must be approved in writing by North Ayrshire Council as Planning Authority, prior to any disruption to the existing arrangements. Prior to the commencement of the development, hereby approved, details of the provision of two bus stops and associated facilities shall be submitted to, and approved in writing by North Ayrshire Council as Planning Authority, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

7. Traffic calming measures shall be designed such that they are 'bus friendly', prior to any construction of such measures details of shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.

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

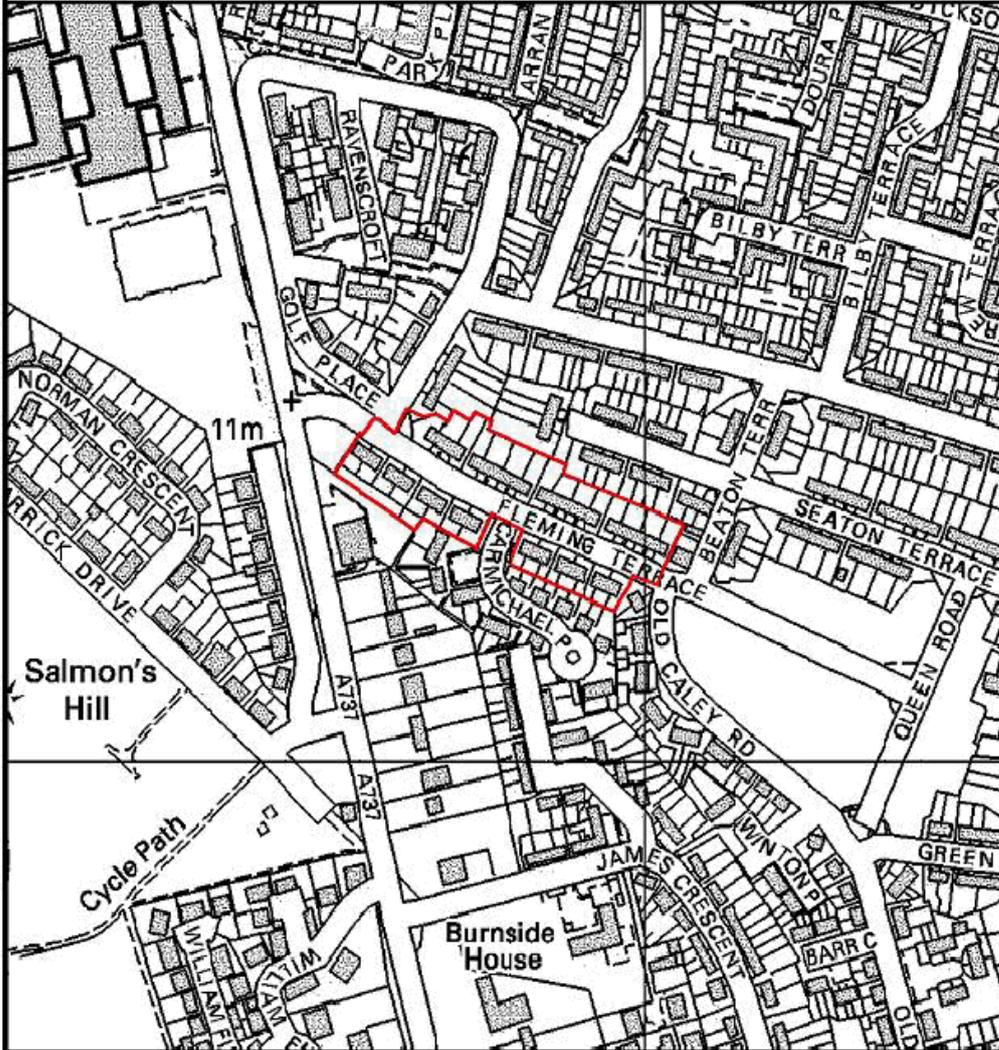
1. In the interest of the amenity of the area.
2. To maintain control over the development in the interest of amenity.
3. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
4. To meet the requirements of Environmental Health.
5. In the interest of the amenity of the area.
6. To meet the requirements of North Ayrshire Council as Roads Authority and Strathclyde Partnership for Transport.
7. Requirements of Strathclyde Partnership for Transport (SPT).

Reason(s) for approval:

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

# Committee Plans

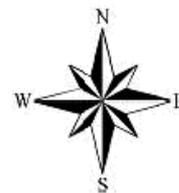
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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 5.2**

Planning Committee

**4 September 2013**

Planning Area

**Irvine/Kilwinning**

Reference

**13/00381/PP**

Application

**4th July 2013**

Registered

Decision Due

**4th September 2013**

Ward

**Kilwinning**

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**Recommendation**

**Grant with Conditions contained in  
Appendix 1**

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**Location**

Site to south of Dirrans Resource Centre  
Dirrans Terrace  
Kilwinning

**Applicant**

North Ayrshire Council  
Perceton House  
Girdle Toll Road  
Irvine

**Proposal**

Erection of single storey rehabilitation building

---

**1. Description**

This application seeks planning permission for the erection of a rehabilitation resource centre to the north of Dirrans Terrace, Kilwinning. The centre, which would provide care for 25 adults per day, with 6 staff members, would replace the existing Dirrans Centre located immediately to the north of the site. The single storey building would have a gently sloping mono-pitched roof, 5.4m at the highest point and 3.3m at the lowest.

The centre would have a floor area approximately 78.5 sqm and would comprise of a lounge/dining room, kitchen area, equipment store, quiet room, medical room, showering area and offices. Finishing materials would be a mix of smooth rendered panels and facing brick with trespa cladding panels and a painted aluminium roof.

The proposed access would be from Dirrans Terrace with 21 car parking spaces integrated with soft landscaping located to the north of the building. There would also be a secure private garden area to the south of the building. The site would be bounded by 1.8m high metal mesh security fencing and landscaping is proposed between the private garden area and the southern boundary.

The application site relates to a flat grassed area situated immediately to the west of Dirrans Terrace, which is a residential area characterised by 2 storey semi-detached properties. The River Garnock lies approx. 130m west of the site and 115m to the south. The existing centre is situated approx. 20m to the north beyond which is a children's playground. There is also a formal football pitch to the west of the site which would be unaffected by the proposal.

The application site is within an area of open space as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) where Policy OS1 (protection of open space) would be relevant which seeks to safeguard existing sports and recreational facilities and protect areas of public open space. Policy INF6 (Flooding) would be relevant. The application also requires to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision.

The applicant has submitted a supporting statement, a coal mining risk assessment, a topographical survey and Flood Risk Assessment, which was subsequently amended following representation by both SEPA and the Council's Flood Officer.

## **2. Consultations and Representations**

The application was subject to the standard neighbour notification and press advertisement procedures. No objections or representations have been received.

**SEPA** - initial concern has been addressed by the amended FRA and now offer no objections.

**North Ayrshire Council Environmental Health** - No objections, but raise issues with regards to construction/demolition, waste disposal and unsuspected contaminated land.

*Response: Noted. An appropriate condition could be added with respect to contaminated land. An informative could also be attached with respect to construction/demolition and waste disposal.*

**North Ayrshire Council Flood** - initial concern has been addressed by the amended FRA and now offer no objections.

*Response: Noted.*

**North Ayrshire Council Roads & Transportation (NAC Roads)** - No objections. There is sufficient parking and turning within the confines of the site to accommodate the proposed development such that it would not impact on the adjacent public road network.

*Response: Noted*

**Sport Scotland** - No objections. The proposed development is a head injury facility adjacent to a full size grass football pitch. The site boundary encroaches upon an area of grass to the south of the existing parking area which does not appear to form part of the formal football pitch. It is however, important to retain space around a playing field so the pitch can be moved to allow surface recovery. In this case, there is ample space to the north and south of the pitch boundary to allow this to happen.

While the grass area may not form part of the formal pitch, consideration has to be given as to whether this offers useful ground for training purposes. In this case the site of the proposed development is bumpy and unkempt and therefore not ideal for training due to risk of injury. Alternative green space exists within the site of the playing field so the overall playing capacity should not be affected. Overall the proposal is deemed to be acceptable and in accordance with the SPP as it involves a minor part of the playing field which will not affect its use and potential for sport and training.

*Response: Noted. It is considered that the proposal would not have a significant adverse impact on the recreational value of the wider area of open space (see analysis).*

**Coal Authority** - No objections. The applicant has obtained appropriate and up to date coal mining information for the proposed development site and has used this information to form the Coal Mining Risk Assessment which accompanies the application.

*Response: Noted.*

### **3. Analysis**

Criteria 1, 3 and 4 of Policy OS1 are relevant to the consideration of this application. With regards to criterion 1, it is considered that the scale, massing and design of the single storey building have been carefully considered. Full details of external finishes, and the soft landscaping are required which could be addressed by an appropriate condition. In view of the above, it is considered that the proposal would not have a significant adverse impact on the character, appearance and amenity of the surrounding area.

With regards to criterion 3a) and b) the proposal is set within a wider area of open space used for recreational purposes. The proposed development is sited away from the play equipment and existing playing field and a large area of open space will remain undeveloped. Sport Scotland is satisfied that the siting of the proposal will have no detrimental effect on the recreational value of the area. The development will replace the existing adjacent resource centre which the applicant states would be partially demolished to maintain the existing changing pavilion or the whole building may be retained for public use. The applicant also states that no further incremental development associated to the Centre is proposed. It is therefore considered that the proposal would not set a precedent for further incremental loss of open space.

With regards to criterion 4, Sport Scotland is satisfied that the proposal would not adversely impact on the adjacent playing field.

With regards to Policy INF6, criterion a) states that with an existing built up areas at locations which are known to have flooded in the past and are identified in the Council's flood risk consultation maps, development which will not significantly increase the number of people occupying/visiting the area shall accord with the local plan. In this regard, a Flood Risk Assessment has been undertaken and SEPA and NAC Flooding advise their initial concerns have been addressed by the amended FRA and have no objections. Consideration of the application was delayed awaiting the submission of the amended FRA.

With regards to criterion (a) of the DCS for the reasons stated above it is considered that the building is of an appropriate design, scale and finish and would be well integrated into the wider area of open space. Full details of external finishes, and the soft landscaping are required which could be addressed by an appropriate condition.

With regards to (b) amenity, the building would be orientated to minimise the impact on the residential properties at Dirrans Terrace whereby the lowest and narrowest part of the building would be closest to these dwellings thus minimising the impact and the potential for overshadowing. It is also considered that as the proposed centre would be replacing the existing Dirrans Centre, it would not be introducing a new use into the area and should not significantly add to the general disturbance of the surrounding area with respect to vehicular movement etc. With regards to criterion (d) NAC Roads has been consulted and offers no objection to the proposal.

In view of the above it is considered that the proposal would satisfy the relevant criteria of Policies OS1, INF6 and the relevant criteria of the DCS. Planning consent should therefore be approved.

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

See Appendix 1.

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**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
12 July 2013

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

FK/SLP



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00381/PP**

Grant subject to the following conditions:-

1. 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.
2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That, prior to the 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 CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 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.
5. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details/samples of proposed external finishes.

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

1. To meet the requirements of Environmental Health.

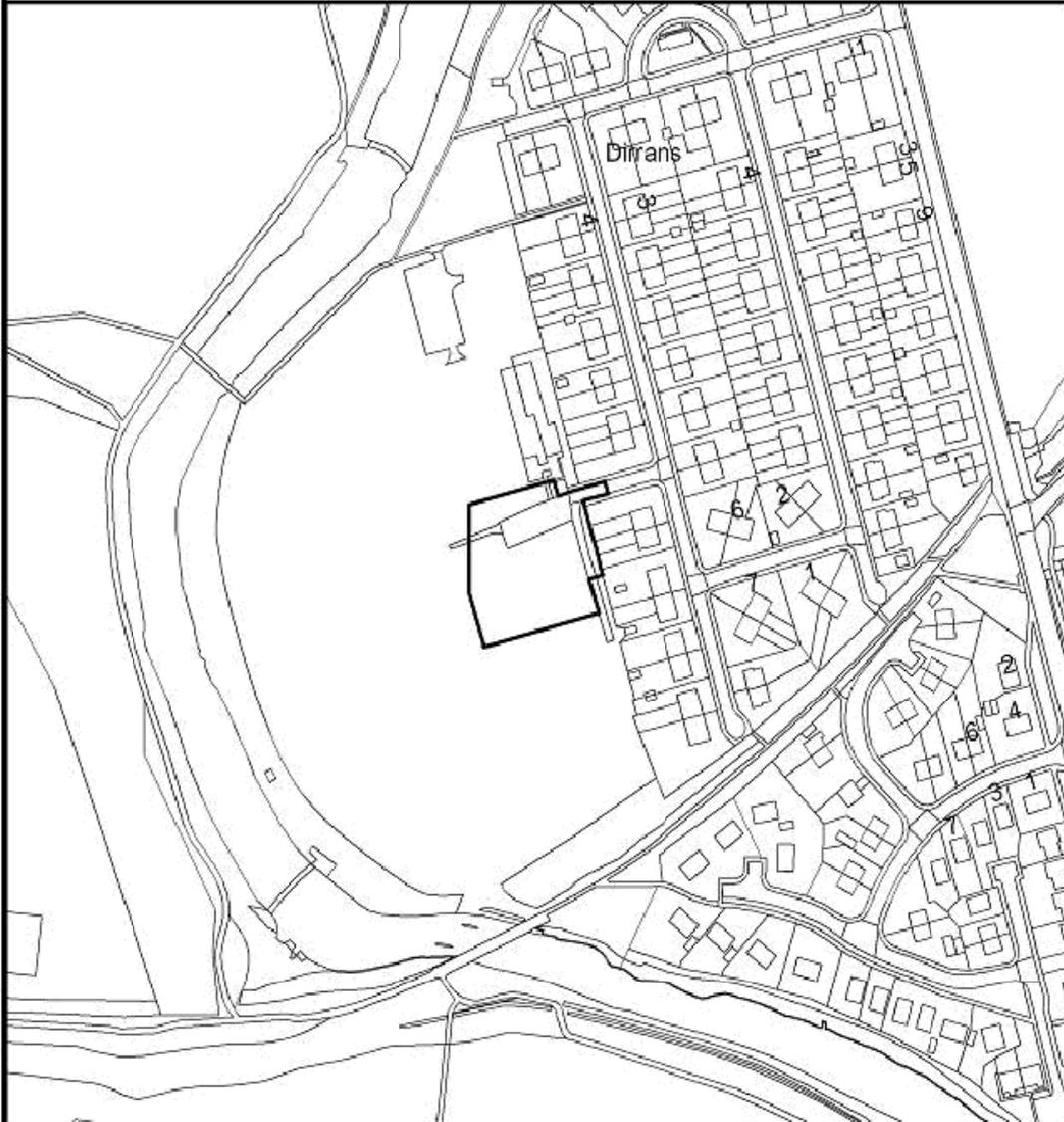
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. To meet the requirements of the Scottish Environment Protection Agency.
5. In the interest of the amenity of the area.

Reason(s) for approval:

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

# Committee Plans

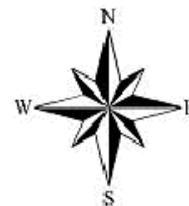
13/00381/PP



**NORTH AYRSHIRE**  
COUNCIL

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**NORTH AYRSHIRE COUNCIL**

**Agenda Item 6**

**4 September 2013**

**Planning Committee**

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**Subject:** **Revocation Order: Fairlie No 1 Tree Preservation Order: Burnfoot Road/ Station Road, Fairlie**

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**Purpose:** To invite the Committee to confirm the Revocation Order of the Fairlie No 1 Tree Preservation Order for trees at Burnfoot Road/ Station Road, Fairlie.

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**Recommendation:** It is recommended that the Committee confirms the Revocation Order of the Fairlie No 1 Tree Preservation Order.

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**1. Introduction**

- 1.1 The Council has powers under Section 275(8) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010, to vary and revoke Tree Preservation Orders (TPOs) by making another order. The procedures for making and confirming a Revocation Order are essentially the same procedures that are used for making and confirming a TPO.
- 1.2 All Tree Revocation Orders come into effect on the date specified in the Order but must be confirmed within 6 months from the date they come into effect otherwise they can no longer be enforced.
- 1.3 The Planning Committee, on 15 May 2013, approved the serving of a Tree Revocation Order in respect of the trees at Burnfoot Road/Station Road, Fairlie.

**2. Current Position**

- 2.1 A Tree Revocation Order was served on the owners of the affected properties, with an effective date of 4 June 2013. A public notice was made concurrently through newspaper advertisement and the statutory period for receipt of objections has elapsed.

2.2 No objections or representations have been received.

### **3. Proposals**

3.1 It is proposed that, in the light of the Council having received no objections to the Tree Revocation Order served on 4 June 2013, the Committee should consider the confirmation of the Tree Revocation Order.

### **4. Implications**

#### Financial Implications

4.1 There will be registration costs in registering the Order in the Property Register, if confirmed. These costs are liable to be less than £100.

#### Human Resource Implications

4.2 None.

#### Legal Implications

4.3 The Order is in accordance with Section 275(8) of the Town and Country Planning (Scotland) Act 1997 as amended and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010. The Council is required to consider any objections received before deciding whether to confirm the Tree Revocation Order served on 4 June 2013.

#### Equality Implications

4.4 None.

#### Environmental Implications

4.5 The decision to revoke the original TPO will return the responsibility of protecting the trees to the respective owners.

#### Implications for Key Priorities

4.6 None.

### **5. Consultations**

5.1 Consultations have taken place with North Ayrshire Council's Planning Services.

**6. Conclusion**

6.1 The Committee is invited to confirm the Tree Revocation Order.

A handwritten signature in black ink that reads "Elma Murray". The signature is written in a cursive, flowing style.

ELMA MURRAY  
Chief Executive

Reference : PA/HW/SLP

For further information please contact Paul Aitken, Solicitor on 01294 324390

**Background Papers**

None