

Cunninghame House,
Irvine.

21 April 2016

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 27 APRIL 2016** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes (Page 5)

The accuracy of the Minutes of meeting of the Committee held on 23 March 2016 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:

15/00778/PPM: Site to east of West Bankside Farm, Kilbirnie (Page 9)

Erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces (copy enclosed).

4. North Coast and Cumbraes

Submit report on the following application:

16/00124/PP: Site To The North East Of Wee Minnemoer (Page 27)

Installation of a photovoltaic solar farm with an output of up to 5MW and associated infrastructure (copy enclosed).

5. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT (Page 47)

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP) (copy enclosed).

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 40 Ritchie Street, West Kilbride KA23 9HF (Page 57)

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

7. New North Ayrshire Shopfront Design Guidance (Page 63)

Submit report by the Executive Director (Economy & Communities) on the North Ayrshire Shopfront Design Guidance at Appendix 1 as planning guidance (copy enclosed).

8. Revocation Order to Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport (Page 83)

Submit report by the Executive Director (Economy & Communities) on the revocation of Millport No. 1 Tree Preservation Order for trees at Howard St/Church Hill, Millport (copy enclosed).

9. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
23 March 2016

Irvine, 23 March 2016 - 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, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel..

In Attendance

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

Chair

Councillor Brown.

Apologies for Absence

John Bruce.

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 2 March 2016 and 9 March 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

2.1 Matter Arising from Meeting on 9 March 2016

16/00124/PP - site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae

At the meeting on 9 March 2016, the Committee agreed that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

The Committee was advised that a site visit had been requested to allow Members to view the site and surrounding area and that arrangements would be made for the site visit to take place, prior to consideration of the application by the Committee on 27 April 2016.

Noted.

3. Kilbirnie and Beith

15/00778/PPM: Site to east of West Bankside Farm, Kilbirnie

Muir Homes Limited, Muir House, Belleknowes Industrial Estate has applied for planning permission for the erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces at the site to the east of West Bankside Farm, Kilbirnie. Seventeen letters of representation were received, as detailed in the report. The Committee was also advised of an objection received from Councillor Dickson in respect of road and traffic issues and noted that these issues had already been considered within the report.

The Committee agreed to continue consideration of the application to a future meeting to allow for further discussion with the developer in relation to (i) road and traffic issues at Largs Road, Kilbirnie; and (ii) the proposed suitability of the housetypes along the Largs Road frontage within the proposed development.

4. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997:96 Greenock Road, Largs

Submitted report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of an unauthorised timber clad container housing biomass boiler and fuel store.

An application for planning permission was received in October 2014 for the siting of a self contained biomass boiler and fuel store within a timber clad steel container located to the side of the hotel (ref: 14/00606/PP) at 96 Greenock Road, Largs, also known as the Willowbank Hotel. The application was withdrawn on 12 November 2014. Prior to the withdrawal of the application it was noted that the development had already been undertaken. The application had been the subject of both consultation and neighbour notification. Environmental Health had expressed serious reservations regarding the development. Four objections were also received from members of the public.

The applicants stated that they would re-submit a retrospective application addressing the concerns of Environmental Health. Despite repeated requests, a new application has not been received. The container with the biomass boiler and fuel store remains at the property.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of an unauthorised timber clad container housing biomass boiler and fuel store at 96 Greenock Road, Largs.

5. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine

Submitted report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP).

Planning permission was granted on 17 June 2003 (ref: 03/00083/PP) for the erection of an extension to an existing garage/workshop to form a separate car repair business. The permission was granted subject to several conditions including Condition 3, which requires that the garage business shall not operate between the hours of 6.00 pm on any day and 8.00 am the following day except on Sundays, when the business shall only operate between the hours of 10.00 am and 6.00 pm. The Council first received complaints that the condition was not being complied with in November 2012. Since that date there has been sporadic non-compliance with the condition.

The owner of the property has been contacted by letter and contacted on several occasions and requested to fully comply with the requirements of the condition attached to the planning permission. Whilst this action has resulted in periods of compliance, the Council continues to receive complaints that the business is operating outwith the permitted hours.

In the interests of the amenity of the area, it was proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17 June 2003 (ref: 03/00083/PP): (i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3. It was proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

The Committee was advised that the owner of the property has now made contact with the Council and discussions were ongoing.

The Committee agreed to continue consideration of the Notice to the meeting on 27 April 2016.

6. Draft Planning Delivery Advice: Housing and Infrastructure

Submitted report by the Executive Director (Economy and Communities) on the Council's response to the Draft Planning Delivery Advice: Housing and Infrastructure.

The Scottish Government directs Scotland's planning system through national policy and guidance. In February 2016, the Scottish Government invited planning authorities and developers to comment on a new draft advice document, 'Draft Planning Delivery Advice: Housing and Infrastructure'. The report provided general background to the advice at Sections 3.2 (Development Plans that Deliver), 3.4 (Planning to deliver homes) and 3.6 (Planning for Infrastructure) of the report, followed by the proposed responses to the advice.

The Committee agreed to the submission of the report as the Council's formal response on the Draft Planning Delivery Advice.

The meeting ended at 2.55 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

27 April 2016

Planning Area

Garnock Valley

Reference

15/00778/PPM

Application

21 December 2015

Registered

Decision Due

21 April 2016

Ward

Kilbirnie and Beith

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

Location Site to east of West Bankside Farm, Kilbirnie

Applicant Muir Homes Limited
Muir House
Belleknowes Industrial Estate

Proposal Erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces

Introduction

On 23 March 2016, the Planning Committee agreed to continue consideration of the above application to a future meeting to allow for further discussion with the applicants in relation to (i) road and traffic issues at Largs Road; and (ii) the proposed suitability of the housetypes along the Largs Road frontage. On 31 March 2016, the applicants together with their agent met with Officers to discuss these issues.

Following which:

- (i) Detailed drawings have been submitted which indicate further road calming measures along Largs Road. The calming measures include road narrowing and road markings at the 30mph speed limit area, and nibbed features at both the 30mph limit area, and at the entrance to the site. These drawings would form part of the Road Construction Consent (RCC) . NAC Transportation supports the proposed measures. A planning condition has been added to ensure that the proposed traffic calming measures, as shown on the submitted drawing, accord with the RCC submission.
- (ii) Revised plans have been submitted to substitute the proposed semi-detached and terraced properties along the site frontage at Largs Road with bungalows. Criterion a) of the General Policy contained within the Adopted Local Development Plan (LDP) requires that development should have regard to the relationship of the development to existing buildings and the visual effect of the development on the surrounding area. It is considered that this revision reflects and complements the existing built form at this location on Largs Road. The proposed bungalows would be accessed from driveways off Largs Road. NAC Transportation supports the amendment and notes that the frontage driveways would provide an additional traffic calming measure.

In addition to the above, a landscape plan has also been submitted which includes details of structure planting along the western site boundary. It is considered that the revised layout together with the proposed traffic calming measures, address the issues raised at Committee.

1. Description

This application seeks planning permission for the erection of 200 dwellinghouses including associated roads, footpaths, SuDs pond and open spaces. The dwellings would feature a range of houses, including 2 bedroom terraced; 3 bedroom semi-detached and detached to 4 bedroom detached, all of which would be 2 storeys in height. The proposed layout incorporates a loop road network of varying widths creating a hierarchy for primary and secondary routes, with direct frontage to all properties. The proposed areas of open space within the development would all be overlooked by dwelling frontages.

The application site relates to an irregular triangular shaped site of approx. 8.9ha on the north western edge of Kilbirnie adjacent to Largs Road (A760). The site is bounded to the south by Largs Road, beyond which is Kilbirnie Place Golf Club and several housing estates which have been built over the past 25 years. In addition, the site is bounded to the east by School Road beyond which is Garnock Academy, Moorpark Primary School and Moorpark House. The site is bounded to the west by agricultural fields, beyond which is an existing group of housing in the countryside at Geirston Road. In terms of landform, the site has a sloping topography with a south easterly aspect. The lowest ground levels are at Largs Road and School Road.

Core Path Route GV6 runs along the eastern boundary of the site at School Road.

In terms of the adopted Local Development Plan, Policy RES 2 (Additional Housing Sites) allocates the application site for housing development with an indicative capacity of 200 units. Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of development.

Policies PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), PI 8 (Drainage, SuDS and Flooding), PI 13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

The allocation of the site for housing was promoted through the LDP in 2011. There is no history in terms of previous development or planning permissions, although the site was subject of a public local inquiry for a housing development which was refused permission during the early 1990s. At that time, the site was protected as an area of countryside. The outcome of the public local inquiry was to dismiss the appeal on the grounds that housing development would have been contrary to the Garnock Valley Local Plan which was then in place. The release of the site for housing development through the LDP, which was adopted in 2014 following external examination by Reporters appointed by the Scottish Government, takes precedence over the planning history of the site.

The following supporting documents form part of the application:

Consultation Process with North Ayrshire Council

This report summarises the applicant's engagement with the Council prior to the submission of the application. The pre-application process included a Design Workshop, meetings and feedback sessions with key consultees.

Pre-Application Consultation (PAC) Report

A PAC report is required by the Development Management Regulations for all major planning applications. The submitted report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant in finalising the proposals.

Design and Access Statement

A Design and Access Statement is required by the Development Management Regulations for all major planning applications. The submitted Statement describes the design process followed by the applicant in formulating the proposal, with reference to various design principles and reference sources.

Other supporting documents include a water impact assessment, transport assessment, coal mining report, drainage and a flood risk assessment. tree survey and arboricultural report.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in a local newspaper on 13 January 2016 for neighbour notification purposes. 17 letters of representation were received, which can be summarised as follows: -

1) The proposed development could lead to flooding, particularly the properties in Rosebery Court and Largs Road. Field drains have been known to block in the area and cause flooding. The removal of trees could also lead to problems, therefore drainage has to be addressed appropriately. There is also no sewage capacity to cope with the additional dwellings and the SuDs pond could also be a danger.

Response: A Flood Risk Assessment (FRA) was submitted with the application which includes a surface water drainage strategy and recommendations to ensure that the site and surrounding area would not be at an unacceptable risk of flooding. SEPA and the Council's Flooding Officer were also consulted in this regard, and have no objections (see below). An appropriate condition could be imposed with respect to the recommendations contained within the FRA. The applicant has also confirmed that SuDs pond is also designed with relatively shallow margins and gradual gradients at the pond edges. The pond would also be positioned at the site entrance and would be overlooked by a number of properties. In view of the above it is considered that the pond has been carefully designed with natural surveillance to help mitigate safety concerns. Although there is no response from the Scottish Water consultation on this application, no objections were offered during the preparation of the LDP when the release of the site was proposed.

2) The proposed development would result in an increase level of vehicular movement, particularly at Largs Road which could be dangerous to other road users. The speed limit should be reduced to respect the increase level of traffic.

Response: A Transport Assessment was also submitted with the planning application which concludes that road safety issues would not arise from the proposed development. NAC Transportation (Roads) was consulted and have no objections. Traffic calming measures on Largs Road would also be required as part of the Road Construction Consent process. The issue of reducing speed limits is also matter for the police to consider.

3) The proposed development would have adverse impacts on the privacy of existing dwellings, particularly those on Largs Road which adjoin the site boundary. The introduction of bungalows on the site could mitigate privacy issues as they are lower in height.

Response: The average distance between the rear elevations of the proposed dwellings at the eastern edge of the site and the existing properties on the west side of Largs Road ranges between 33-37m. It is considered that the proposed layout has been carefully considered to ensure that there are no significant privacy issues to existing dwellings or plots within the site. With regards to the lack of bungalows, the applicant's agent has confirmed that the proposed housetypes are based on the current housing market and viability and the proposal is designed to meet current local market needs.

4) At the public event held by the applicants, it stated that approximately 25 houses would be built per year. This would result in the site being in construction stage for 8 years which would have a detrimental impact on the environment both those who reside within proximity to the site and Kilbirnie as a whole.

Response: The applicants have confirmed that as part of the development proposals, a Construction Management Plan will be prepared which would address issues arising from the construction phase. As part of this exercise, any matters raised by Environmental Health, such as noise and pollution control, would be addressed. To further address potential amenity impacts, it is also considered appropriate to impose a condition with respect to a development phasing plan.

5) Current infrastructure within Kilbirnie just manages to cope with the present population. The additional dwellings would put additional pressure on current services.

Response: The application site is an allocated housing site within the LDP where the potential impact on local infrastructure was taken into account through the Local Development Plan Process. It is considered that the supporting information submitted with the application demonstrates that there would not be an unacceptable adverse impact on infrastructure.

6) There is discrepancy between the application boundary and some of the properties which adjoin the site, and there is concern that the boundary of existing dwellings may be encroached upon.

Response: The applicant has confirmed that the development would not encroach onto the curtilage of any surrounding properties and that the red line boundary reflects the legal title of the site. Notwithstanding this, the issue of any boundary encroachment would be a private legal matter between the developer and the parties concerned.

7) The loss of agricultural land should be considered, particularly as there are other brownfield sites nearby, such as Garnock Academy which could made be available for development in the near future once the new Garnock Community Campus is complete.

Response: The application site is an allocated housing site within the LDP. The site does not relate to a farming unit and is wholly within the ownership of the applicant. The development of the site would therefore have no detrimental effect on the viability of a farming unit.

8) Kilbirnie has been in decline for a number of years and the housing market is particularly slow. When the market is slow it can lead to private lets which could lead to anti-social problems.

Response: It is considered that the proposed development could be an opportunity to provide a new residential opportunity which would have a positive impact on the vitality and viability of Kilbirnie.

9) The development of 200 dwellinghouses within the site appears to be excessive.

Response: The site has an indicative capacity of 200 units within the LDP.

10) The development could have a detrimental impact on trees within the site and along the boundary with School Road.

Response: The applicant has submitted a tree survey and arboricultural report. The trees along School Road would largely be retained, however there would be some tree removal to provide access to the site. Following discussions with the case officer, the applicants agreed to amend the positions of plots 53-63 to ensure that they are further outwith the tree root protection zone at the northern boundary with the residential property at Hillhead. It is also considered appropriate to attach a condition with respect to tree protection measures throughout the course of the development including the submission of an arboricultural impact assessment.

11) There is lack of information with respect to boundary enclosures for some of properties at the northern edge of the site with Hillhead.

Response: Details of full boundary enclosure can be clarified through the imposition of an appropriate condition.

12) There is no provision for affordable housing or any developer contributions.

Response: There is no requirement within the LDP for the provision of affordable housing within the Garnock Valley. This reflects relatively low demand in comparison with the available supply of existing properties and land for development. In order to for the proposed development to be viable, the housebuilder would, as a matter of course, take the local housing market into account in terms of the price structure for the properties to be built. The proposed development does not require any developer contributions for the upgrading or replacement of existing infrastructure in the area, and there is understood to be adequate capacity at the local schools (see Education response, below).

Consultations

Environmental Health:- No objections. Comments with regards to appropriate construction and demolition times, waste disposal and other Environmental Health matters have been issued to the applicant.

Response: Noted. It is also considered appropriate to attach an informative to advise the applicant to contact Environmental Health with this regard.

The Coal Authority: - No objections. The site falls within the defined Development High Risk Area. A report on site investigations was submitted in support of the application which identifies that there is an ironstone mine shaft within the site. The report concludes that any ironstone workings within the site would be unlikely to present a stability risk to the development. The recorded mineshaft is also within a triangular section of land in the southwest corner of the site which would be left undeveloped as agricultural land.

Response: Noted.

NAC Transportation (Roads): - No objections. Road Construction Consent will be required for the development which should include crossing points and refuse islands on the A760 and new road markings. Standard conditions should also be attached within regards to driveways and parking provision for the housing plots.

Response: Noted. This advice could be covered with the imposition of appropriate planning conditions. An informative could also be attached to advise the applicants to contact NAC Transportation with respect to the Roads Construction Consent.

SEPA: - No objections. The site appears to lie outwith the fluvial SEPA Flood Map, however, it is adjacent to various watercourses and consequently may be at risk of flooding. A Flood Risk Assessment has been submitted in support of the application which assesses the risk of pluvial flooding. The updated SEPA / Planning Authority Protocol on Planning and Flooding specifies that water quantity aspects of surface water drainage are a matter for the local authority to consider.

Response: Noted. The Council's Flooding Engineer has been consulted on the application and offers no objections to the proposal (see below).

NAC Flooding Officer: - No objections. The development would have a small but not significant increase on the Pundeavon Burn/River Garnock. The surface water flow should also be less than the greenfield runoff.

Response: Noted. This could be addressed by the imposition of an appropriate condition.

West of Scotland Archaeology: - No objections. A condition should be imposed to secure the implementation and implementation of a programme of archaeological works.

Response: Noted. This advice could be addressed by a planning condition.

NAC Arboricultural Officer: - An arboricultural impact assessment should be submitted to demonstrate how the development would impact on existing trees, particularly along School Road. A methodology statement for working around the trees should also be submitted for consideration.

Response: Noted. This could be addressed through the imposition of an appropriate planning condition.

NAC Access Officer: - The site is in close proximity to Core Path GV6. The proposed layout incorporates paths linking the site to Largs Road and School Road and provides connections between the two. This connects the site to Core Path GV6 and ensures that the proposal accords with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. These connections are therefore welcomed and should be constructed to a multi user and all abilities access standard. This will ensure that the proposal accords with Policy PI 1 Walking (Cycling and Public Transport) of the LDP, which requires that the needs of walkers and cyclists are taken account in the development to facilitate active travel to and from the site.

Response: Noted. A condition could be imposed to ensure that connections are constructed to a multi user and all abilities standard.

NAC Education: - No objections. The proposal would not have any capacity issues on education provision.

Response: Noted.

3. Analysis

The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES 2, which identified an indicative capacity of 200 units. Policy RES 2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. The LDP Action Programme lists the following as indicative requirements:-

- (a) Securing foot and cycle links to Core Path and School Road and contributions toward regeneration fund;
- (b) Agree traffic calming on Largs Road and off-site improvements to School Road;
- (c) Undertake a Flood Risk Assessment,

- (d) Secure provision of substantial landscaped buffer on western boundary. Landscaping to tie in with existing mature woodland.
- (e) Ensure units on the boundary with School Road face onto School Road and are sited to reflect existing boundary line. Similarly, units on the boundary of Largs Road must also face onto Largs Road and follow the building line.

In relation to the above Action Programme points, (a) the site is bounded by the A760 Largs Road to the south which provides the primary vehicular connection into the development. There is also secondary accesses proposed from School Road. As discussed above, pedestrian and cycle routes have been incorporated into the development to provide connectivity to the surrounding neighbourhood and local facilities. There is no requirement for developer contributions for West Bankside, any contribution for a regeneration fund would be a discretionary, voluntary contribution.

In relation to (b) traffic calming measures will be required through Road Construction Consent. With regards to (c), a Flood Risk Assessment was undertaken and submitted with the application. SEPA and NAC Flooding Engineer have no objections to the proposal, as noted above. In relation to (d), landscaping is indicated along the western boundary, the details of which could also be addressed by an appropriate condition. With regards to (e), there is a line of mature trees on each side of School Road. The trees are important to the character and amenity of School Road. Consequently, it was not considered appropriate to front dwellings onto School Road as this would require the removal of a substantial group of mature trees to the detriment of amenity. The houses which face onto Largs Road would respect the existing building line.

In view of the above, and with the imposition of appropriate planning conditions, it is considered that this application for residential development would comply with both Policy RES2.

Policy PI 1 (Walking, Cycling and Public Transport), requires that account has been taken of the needs of walkers, cyclists and public transport, including a demonstration that the proposals reflect the principles of Designing Streets.

As noted above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout, which has been refined several times since November 2014. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. Connectivity to the existing network of streets has also been taken into account and adequate provision would be made in this regard. It is considered that the proposal meets the requirements of Policy PI 1.

PI 4 (Core Path Network), requires that development within close proximity of the Core Path network should provide suitable links to the Core Path Network where appropriate. As noted above the site is in close proximity to Core Path GV6. The proposed layout incorporates paths linking the site to Largs Road and School Road and providing connections between the two. This connects the site to Core Path GV6 and ensures that the proposal accords with Policy PI 4.

Policy PI 8 (Drainage, SUDS and Flooding) has been comprehensively considered and consultation has taken place with SEPA and NAC Flooding Engineer. A Flood Risk Assessment has been submitted in support of the application which adequately assesses the risk of pluvial flooding. Surface water would also be attenuated with surface filter trenches in accordance with the SuDs Manual runoff and discharge to a nearby watercourse (Pundeavon Burn) and not into the Scottish Water sewer system. A SuDs pond is also proposed in the south east corner of the site at the access point with School Road. It is considered that the proposal meets the requirements of Policy PI 8.

Policy PI 13 (Carbon Emissions and New Buildings) states that all new buildings must reduce CO2 emissions above or in line with building standards. Whilst a separate building warrant application would be required to assess insulation standards and energy efficiency, the planning process can assist in the reduction of CO2 emissions in respect of passive energy efficient measures. In this regard, the siting and orientation of buildings can have an important effect on the use of lighting and heating systems within buildings. Careful consideration has been given by the applicant and by planning officers to ensure that orientation favours as much natural light and solar gain within the development as possible. A significant number of houses would feature generously sized front windows to capture as much daylight/sunlight as possible. The applicant has also confirmed that the houses will be developed to incorporate the use of highly insulated, energy efficient timber-frame construction, high quality window design with hermetically sealed double glazing units, detailed to limit infiltration and thermal bridging, energy efficient central heating systems and low energy lighting apparatus, all to fully comply and exceed the latest government Building Standards Regulations. It is considered that the proposal meets the requirements of Policy PI 13.

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims, as noted above in respect of Policy PI 1.

With regards to the relevant criteria of the General Policy: -

(a) Siting, Design and External Appearance, the proposed layout incorporates a loop road network of varying widths creating a hierarchy for primary and secondary routes, with direct frontage to all properties. Open space areas within the development would all be bounded by dwellings with a facing frontage. As discussed above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach, between the applicant, planning and transportation officers, has resulted in the submitted layout, which has been refined several times since November 2014. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. Connectivity to the existing built-up area has also been taken into account and adequate provision would be made in this regard.

The proposed mix of 2 storey dwellings are considered to be satisfactory in terms of siting, design and external appearance. Conditions could be imposed to ensure a final check of materials prior to the commencement of building operations. It is considered that the proposal is satisfactory in terms of criterion (a).

(b) Amenity

The proposed development would have a satisfactory standard of amenity and open spaces for children's play and recreation. As discussed above, there would be sufficient separation distance (33m - 37m) between the proposed dwellings and existing housing, which would mitigate any significant impacts on neighbouring housing. The proposal is therefore satisfactory in terms of criterion (b).

(c) Landscape Character

The site is on the western edge of Kilbirnie, and currently has a semi-rural character. Whilst the proposed development would result in the loss of the open, agricultural land, generous areas of open space would be provided and the edges of the site would be retained either as open space or enhanced with new planting. The majority of the mature trees along the boundary with School Road would be retained to retain the more rural character of School Road. Landscaping is proposed along the western boundary, the details of which could be addressed by condition.

(d) Access, Road Layout, Parking Provision

As noted above, consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. Off site traffic calming would also be required through Road Construction Consent. It is considered that the proposal is satisfactory in terms of criterion (d).

(g) Infrastructure and Development Contributions

The proposed development would connect onto the existing network of streets at Largs Road and School Road. There is no requirement for developer contributions towards infrastructure provision. In respect of play facilities, there would be a well connected, centrally located, on-site equipped play area. Other areas of open space would also be provided to ensure a reasonable balance of development and open space. The proposal would therefore accord with criterion (g).

It is considered that the proposal accords with the provisions of the LDP and would offer a positive development for Kilbirnie, resulting in the development of new housing within a well-designed layout following site release through the LDP process. The application should therefore be granted subject to the conditions listed in Appendix 1.

4. Recommendation

Grant with conditions as per Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
12 April 2016

For further information please contact Fiona Knighton, Planner , on 01294 324 313

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00778/PPM

Grant subject to the following conditions:-

1. 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.
2. 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.
3. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space, landscaping and SuDs pond within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 1 above.
4. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SuDS, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
5. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.
6. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
7. That, prior to the commencement of the development, hereby approved, full details of proposed treeworks and tree protection measures for the development 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. For the avoidance of doubt:

- there shall be no treeworks undertaken during the main bird breeding season (March - September);
- 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.

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.

8. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). For the avoidance of doubt, this shall include calculations to demonstrate a reduction in surface water flow from the development below the green field run-off rate for the written approval of North Ayrshire Council as Planning Authority. 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.

9. That, during the implementation of the development hereby approved all recommendations contained within the report titled " Proposed Residential Development Largs Road, Kilbirnie Flood Risk Assessment and Drainage Strategy " by Dougall Baillie Associates dated March 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

10. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

11. That the first 2 metres of the driveways, 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.

12. That prior to the occupation of the dwellinghouses hereby approved, a minimum parking provision of 2 spaces for two/three bedroom houses and 3 spaces for four/five bedroom houses; shall be provided within the curtilage of the site and thereafter retained to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, a garage will constitute 1 parking space and should be retained as such unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

13. That the paths connecting the site with School Road and Largs Road shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

14. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, sections through the site to demonstrate both details of finished floor levels and ground levels within the development.

15. That any subsequent Road Construction Consent application shall accord with the approved plan titled Site Access Option 1 dated 7th April 2016 (ref. 15027-SK-05), unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

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

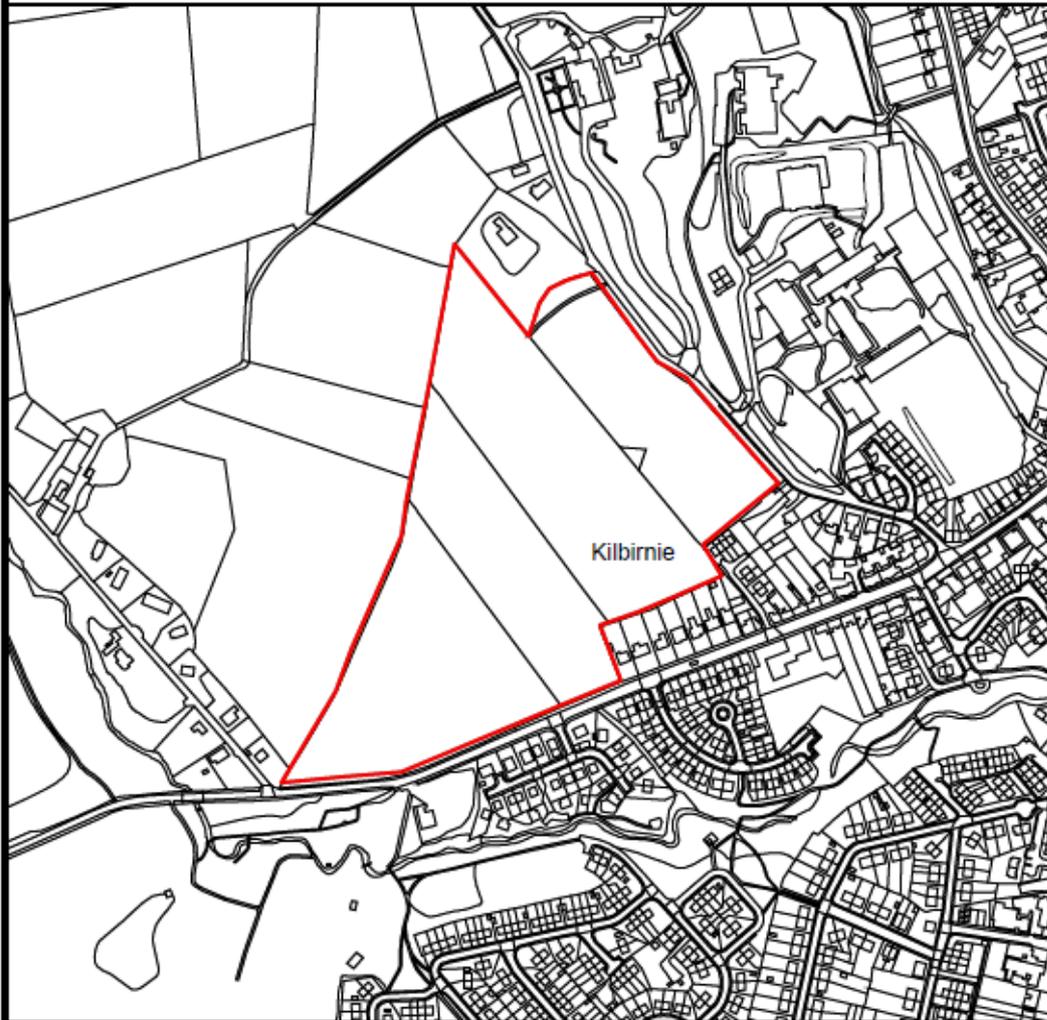
1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. In the interest of the amenity of the area.
6. To meet the requirements of the West of Scotland Archaeology Service.
7. To manage the treeworks and safeguard trees in the interests of the amenity of the area.
8. To demonstrate that the risk of downstream flooding arising from run-off has been taken into account in the SuDS scheme.
9. To protect existing and future residents from localised flooding.
10. In the interest of the amenity of the area.
11. To meet the requirements of North Ayrshire Council as Roads Authority.
12. To meet the requirements of North Ayrshire Council as Roads Authority.
13. To ensure that the development facilitates for active travel.
14. In the interest of the amenity of the area.
15. In the interest of road safety.

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

15/00778/PPM



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

1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

27 April 2016

Planning Area

North Coast and Cumbraes

Reference

16/00124/PP

Application

16 February 2016

Registered

Decision Due

16 April 2016

Ward

North Coast and Cumbraes

Recommendation

**Grant with Conditions contained in
Appendix 1**

Location

Site To The North East Of Wee Minnemoer
Millport
Isle of Cumbrae

Applicant

Comsol Energy Limited
2 Clifton Street
Millport
Isle of Cumbrae
KA28 0AZ

Proposal

Installation of a photovoltaic solar farm with an
output of up to 5MW and associated infrastructure

Introduction

At the meeting on 9 March 2016, the Committee agreed that this application be called in and determined by the Planning Committee and not by Officers under delegated powers. The Committee was advised that a site familiarisation visit had been requested to allow Members to view the site and surrounding area and that arrangements would be made for the visit to take place, prior to consideration of the application by the Committee on 27 April 2016. The visit was held on 25th April 2016.

1. Description

The application seeks planning permission for the installation of a photovoltaic solar farm with an output of up to 5MW and associated infrastructure at a site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae. The application site is located at the centre of Great Cumbrae and is within an area of open moorland that is currently used for grazing. The site extends to approximately 14.75 ha., and is surrounded by open moorland. There is a dwellinghouse at Sheriffs Common located to the west of the site on the opposite side of the public road. Within the wider area, there are a number of farmsteads - Ballochmartin Farm, Figgatoch Farm and Ballikillet. The application site is within the ownership of Ballochmartin Farm. The settlement of Millport is located to the south.

A core path runs along the western boundary of the site, following the unclassified access road. Access to the site is taken from this unclassified road. The topography of the site is formed of a plateau with gently sloping ground to the north, east and south comprising of open ground. There are two small areas of water within the site and a small water course to the south.

The proposal is for the installation of approximately 19,200 solar panels with an electricity generating power of up to 5MW., which would consist of a number of fixed photovoltaic panels mounted in fixed arrays. The site would be split up into 9 areas. The arrays would be of maximum height of between 2.4 and 4 metres above ground level and would not track the sun, but set at a fixed inclination. The development would also include a number of ground mounted electrical inverters, an electrical substation and a short access road for access to the existing road network. The development area would be surrounded by a perimeter fence which would also be the position for CCTV cameras on the site, for security purposes. Access to the site would be from an existing field access. A new access track with turning heads would be constructed from this junction into the site with a wider entrance to allow two vehicles to pass. In order to accommodate the construction traffic, it is proposed to create temporary widening on the access roads as indicated within the applicant's supporting Transport and Access statement.

Pre-application discussions took place with the applicant and a Planning Processing Agreement was submitted with the planning application. An application for an EIA Screening was submitted on the 28th October 2015. The site is located within a Special Landscape Area, Listed Wildlife Site and a Local Nature Conservation Area. The proposed development is not located in a 'sensitive area' as defined by the EIA Regulations. It was considered that there would not be a significant effect on the environment such that expert and detailed study is needed through an EIA in order to properly assess any effect. It was therefore the opinion of the Planning Authority that the development does not require a full Environmental Impact Assessment. It was considered that the proposal could be adequately addressed through the submission of detailed reports rather than a full EIA.

The application site is larger than that which was submitted for the EIA Screening Request, however for all applications, the Planning Authority is required to screen the proposal to determine whether an Environmental Assessment would be required. In this instance, it was again considered that an Environmental Assessment was not required.

The applicant has submitted various reports in support of the planning application, which include a planning statement, traffic and access statement, landscape and visual assessment, environmental report, ecological appraisal and an archaeological report. The Planning Statement concludes that the proposed development would not result in any major impact on landscape and visual impact, archaeology, ecology and transport; and that the application would comply with local and national planning policy.

The Landscape and Visual Assessment concludes that solar farms are by nature a temporary land use, usually having an operational life of 25 years, require minimal disturbance to topography or land cover and current land uses can with careful planning be continued throughout the life of the development. Consequently, short term effects are not anticipated on the landscape fabric or land use at the site. Following decommissioning of the proposed development and its ancillary components, the site could be fully restored to its original condition and would therefore not represent any long term landscape and/or visual effects.

The Environmental Report states that all of the site structures would be ground mounted using ground screws, which offers the advantage of avoiding excavation and foundation work, thus minimising the impact of the development. Construction can be facilitated using small and hand operated machinery thereby minimising construction impacts. The Environmental Report includes issues of ecology, archaeology, noise, glint and glare and impacts on water resources. Separate Ecological Appraisal and Archaeological Assessment have also been submitted.

The Traffic and Access Statement concludes that access for the proposed solar array development has been investigated and that there is a feasible access route. The traffic flows on roads local to the site would be subject to minor increases during the construction period, however this would be a temporary effect, spread over some 8 weeks. Traffic generated during normal operation of the solar array would be minor and would not result in any significant effect.

The application site is situated within a countryside area as identified in the North Ayrshire Local Development Plan. Proposals for development in the countryside can be assessed against Policy ENV1 (New Development in the Countryside Excluding Housing). In this case the considerations within ENV1 do not address the type of development proposed in this application, however given the current use of the site as farmland, Policies ENV4 (Farmland) and ENV5 (Farmland Diversification) would apply.

The site is located within a Special Landscape Area, Listed Wildlife Site and a Local Nature Conservation Area, therefore the proposal requires to be assessed against Policies ENV7 (Special Landscape Areas) and ENV9 (Nature Conservation).

Policy HE4(b) relates to Archaeological Sites, which states that proposals for development which may have an unacceptable impact on sites of archaeological significance, including industrial archaeological locations shall not accord with the LDP.

As a development related to a renewable energy, Policy PI9 (Renewable Energy) is relevant. Finally the proposal requires to be assessed against the Rural Design Guidance and the General Policy of the LDP, the relevant criteria in this case being (a) siting, design and external appearance, (b) amenity, (c) landscape character and (d) access, road layout, and parking provision.

There is already firm support by the Scottish Government for growing renewables through Scotland's national planning policy which is set out in the National Planning Framework and Scottish Planning Policy (SPP).

2. Consultations and Representations

The required neighbour/owner notification was undertaken and the application was advertised in the local press on the 24th February 2016. Further notification of neighbours was carried out on 10th March 2016. A total of 41 individuals have submitted letters of objection, with some submitting further objections, and one letter of support has been received. The points raised can be summarised as follows:

1. Tourism, Economy and Employment: the solar farm would be of no benefit to the island and would adversely affect its tourist trade. Furthermore, the proposal does not comply with aspects of the current draft Economic Plan. There is no visitor centre, tearoom and nature walks proposed as previously suggested by the applicant. The applicant has no proven track record in this area of work and the viability of the scheme is being questioned.

Response: noted. The site does not have any specific tourism or recreational use as it is currently used for grazing. The applicant has stated that there is no evidence that renewable energy infrastructure has any impact on tourism. The supporting Landscape and Visual Assessment indicates that the proposed development would have limited impact on the landscape setting of the area. The concerns about employment opportunities are noted. It is not considered that the proposed development would be contrary to the principles of the emerging Millport and Cumbrae Economic Plan.

The visitor centre, tearoom and nature walks were originally proposed in pre-application discussions, however the subsequent submission was amended in scale, with these proposals deleted. A separate planning application for planning permission could be made in the future for such facilities, should the applicant wish to develop these facilities. The proven track record of the applicant is not a material planning issue and the viability of the proposed development is a matter for the applicant.

2. Landscape and Ecology: it would be sited in an inappropriate location, is of an unacceptable scale and design, located within a conservation area of stunning natural beauty, would have a visual intrusion on the landscape and would not be in keeping with the character of the Island.. Alternative sites have not been investigated. There would be an adverse cumulative impact resulting from other energy related projects, resulting in an increasing visual impact. The site would become wasteland with no surviving plants or animals. The proposed development would be detrimental to wildlife and birds and is in close proximity to a local beauty spot.

Response: noted. The site is within a Local Nature Conservation Area. SNH, in the response to the consultation, does not anticipate any significant environmental effects arising from the proposal. An ecological appraisal has been carried out and submitted with the planning application. As discussed above, the Landscape and Visual Assessment concludes that solar farms are by their nature a temporary land use, usually having an operational life of 25 years, require minimal disturbance to topography or landcover and current land uses can with careful planning be continued throughout the life of the development. Consequently, any short term effects are not anticipated on the landscape fabric or land use at the site.

Due to the nature of the proposal and the distance to a similar type of proposal, the solar farm is not considered to have an adverse cumulative impact. In terms of alternative sites, no other sites were brought forward for discussion, and the assessment has to be made on the basis of the submitted scheme. Scottish Wildlife Trust has raised no objections (see below) regarding wildlife issues.

3. Other details including CCTV and Noise: this site would be the only area using CCTV on the Island. No details have been submitted regarding the CCTV cameras, fencing, any associated buildings, access roads and tracks, turning circles, parking, drainage, sewerage and water supply. No mitigation measures on noise levels have been included in the submission.

Response: noted. Planning conditions/informatives could be imposed to ensure that the relevant details are submitted for approval. The applicant advises that CCTV is required for security purposes. A planning condition could be imposed with regard to noise levels.

4. Transport: additional traffic is envisaged as a result of the Road Equivalent Tariff being introduced, and the inner circle road is extremely popular with residents and tourists. There would be conflict between pedestrians and construction vehicles. The Transport and Access Statement fails to provide realistic solutions to address the issues of access to the site for construction purposes. There would be an adverse impact on the core path. It is considered that the overall timescale for construction is too ambitious. The local road infrastructure is unsuitable for the level of traffic, the access route is not suitable for larger vehicles and the permanent road improvements would not be acceptable in this rural location. A financial bond should be put in place to ensure that the developer has adequate funds to cover the estimated financial cost of carrying out any necessary repairs. The proposal would have an effect on ferry crossings.

Response: noted. As noted above, Transportation Officers offer no objections subject to conditions. In terms of the core path, the access officer has been consulted and the applicant has agreed to the points raised (see response below).

In terms of disruption during construction works, a Transport and Access Statement has been submitted, which includes an indicative construction programme, which would be for an 8 week period. The applicant has proposed a number of road improvements to facilitate the safe passage of all users on the U36 and the applicant has agreed to make the proposed passing places permanent. Transportation Officers have also recommended that a dilapidation survey is carried out, to assess any damage to the local road network. In terms of the impact on ferry crossings, this would be a matter for the applicant to discuss with Calmac.

5. Community Benefit: there is no reference to any community benefit.

Response: noted. The applicant has been advised to contact the relevant officer in North Ayrshire Council on Community Benefit.

6. Loss of Farmland: there would be loss of farmland. There is little likelihood of this land being returned to agriculture and the grazing of animals underneath solar panels has proved impractical in similar sites due to deterioration of the soil and grass.

Response: noted. With regard to loss of farmland, the site is currently used for grazing and restoration proposals would return the land to its former status. The issue of grazing of animals underneath the solar panels would be a matter for the applicant and the farmer.

7. Construction, Connection to the Grid, Operation and Decommissioning: the assumption that the site would have an operational lifespan of 25 years is flawed, and the site is unnecessarily large to deliver a 5MW solar farm. The construction method of fixing the panels by ground screws would be difficult due to the rugged and uneven topography with numerous outcrops of bedrock, Natural heathers and gorse would be removed.

The proposal may need a new purpose built interconnector to the national grid, resulting in more buildings being required. No information has been provided as to how the energy generated would be used. Consent should not be granted until other key information on the means of grid connection is available. There are health hazards in relation to the transformers, glare and the leaking of dangerous chemicals. A financial bond should be put in place for restoration purposes.

Response: noted. The operational lifespan is indicated as 25 years , and a planning condition would ensure that the equipment is removed when no longer in use. Following decommissioning of the proposed development and its ancillary components, the site could be fully restored to its original condition and would therefore represent no long term landscape and/or visual effects. The construction method of the panels is a matter for the applicant. The removal of the vegetation would not require planning permission.

The applicant has advised that an application to connect to the National Grid has been made. Planning permission would be required for any further buildings that may be required. The use of the energy would be a private matter for the applicant. A bond would not be required for the restoration of this solar farm site, due to the nature of construction. In terms of the health concerns, a glint and glare assessment is included within the environmental report, which concludes that no glint or glare impacts are anticipated. The other health issues raised are a matter for the developer.

8. Public Consultation, Policy and Guidance: it would be contrary to various policy and guidance. Public consultation should have taken place, as previously suggested by the applicant. There is no indication of what agreement has been made with the owner of the land. No drainage assessment has been submitted and the standard of the ecological, archaeological and landscape and visual assessments is questioned. It must be ascertained that there are no plans in place to change the natural, existing topography or contours of the site.

Response: noted. The analysis section below assesses the proposal in terms of the relevant policy and guidance. Furthermore, a planning statement has been submitted, which assesses the proposal in terms of relevant planning policies. There is no statutory requirement for pre-application consultation for this type of local planning application. The applicants have advised that they have operated an open door policy allowing any interested member of the public to visit their Millport office and discuss the plans. Agreements with the owner of the land would be a private legal matter. A drainage assessment was not required to be submitted and the standard of the other assessments were considered to be acceptable. The Landscape Visual Assessment states that the proposed development would not require changes to topography or wholesale clearance of characteristic vegetation.

Grounds of Support:

1. Over the last 200 years, the islands economy has been significantly influenced by technological innovation in power generation. This proposal represents an opportunity to begin a new cycle of growth, which could work as a very important catalyst for the future.

Response: noted.

A further petition style objection has been received. The parties were requested to provide a postal address for validation which to date has not been received. Therefore the petition is deemed not to be a valid objection.

The applicant has provided responses to the main grounds of objection.

Consultations:

Scottish Environment Protection Agency (SEPA) - no comments.

Response: noted.

Scottish Natural Heritage - consulted on the EIA Screening and do not anticipate any significant environmental effects arising from the proposal.

Response: noted.

Glasgow Prestwick Airport - no objections.

Response: noted.

Scottish Wildlife Trust (SWT) - SWT concur with the various recommendations made to protect the habitats and enhance the condition of the poorer areas.

Response: noted.

West of Scotland Archaeology Service - a planning condition should be imposed to ensure that the implementation of an archaeological watching brief.

Response: noted. A planning condition could be imposed in this regard.

Cumrae Community Council - no response.

NAC Environmental Health - no objections, provided that the rated noise level from the operation of the proposed solar panels and infrastructure should not exceed the background level by 5dB(A) or more at the curtilage of nearby noise sensitive premises, using the principles set out in BS4142:2014 Method for Rating and Assessing Industrial and Commercial Sound.

Response: noted. A planning condition could be imposed in this regard.

NAC Transportation - no objections, subject to the proposed passing places on the U36 Inner Circle Road to be made permanent. The applicant should also be made aware that large scale developments such as this often result in damage to the local road networks. The applicant should be aware that parts of or complete sections of the network may require resurfacing or re-construction. A dilapidation survey should be carried out with the local roads inspector. A construction consent would be required for the passing places and road infrastructure.

Response: noted. The applicant has been made aware of the above points. The Traffic and Access Statement identifies potential locations where enhanced passing provision could be made for vehicles while construction traffic uses the route (Appendix C). A planning condition could be imposed regarding the passing places and dilapidation survey and a planning informative could be imposed regarding the Construction Consent. The applicant has agreed to make the proposed passing places being permanent.

NAC Access Officer - there are no Rights of Way identified within the Catalogue of Rights of Way or Core Paths identified within the adopted Core Paths Plan in the site. It should however be noted that the Catalogue of Rights of Way does not provide an exhaustive list of Rights of Way and as such routes may exist which meet the criteria necessary for designation. The site is however in close proximity to Core Path NC2.

The applicant's Traffic and Access Statement makes reference to the Core Path however it does not recognise the "Advisory 30mph" signage on the route for vehicular traffic. Whilst it is noted that this not a compulsory speed limit it would be beneficial to recognise this within the Traffic and Access Statement. The Traffic and Access Statement provides a range of mitigation measures to reduce the potential for conflict between non-motorised users and construction traffic. It is noted that the level of traffic associated with the development would be relatively low and for a short period of time. It is however noted that the levels of non-motorised users would be higher within the main tourist season between Easter and October rather than outwith these periods. It would therefore be beneficial if the Transport and Access Statement and proposed construction period reflected this.

Response: noted. The applicant has been made aware of these comments and to take these into account during the construction period. The applicant has agreed to comply with the 30mph advisory speed limit.

3. Analysis

The application site is located within an area of countryside as identified in the adopted Local Development Plan. The main determining issues are whether the proposed development complies with Policies ENV4, ENV5, ENV7, ENV9, PI9, HE4(b), the Rural Design Guidance and the General Policy of the LDP.

In terms of Policy ENV4 (Farmland), the land is currently used for grazing and is classified as land capable of supporting mixed agriculture according to the Macaulay Institute Agricultural Land Classification Maps (4.2 - land primarily suited to grassland with some limited potential for other crops - barley, oats and forage crops). Notwithstanding that the site is not classified as prime quality farmland, the proposal is for a renewable energy proposal where restoration proposals would return the land to its former status. The development may improve the condition of the site as it is noted from the ecological assessment that the site has been impacted by over grazing. Accordingly, the proposal would comply with Policy ENV4.

With regard to Policy ENV5 (Farm Diversification), the applicant has indicated that the proposal would not impact surrounding agricultural activities as it would allow the continued use of the fields for grazing whilst the solar farm is in situ. The continued use of the land for grazing would protect the character of this area of countryside. The ecological assessment suggests mitigation measures in terms of grazing and fencing off certain areas to allow re-vegetation. The solar farm would provide an additional income stream to the farm unit. A planning condition could be imposed with regard to the proposed mitigation measures, and, accordingly, the proposal would comply with Policy ENV5.

With regard to Policies ENV7 (Special Landscape Areas) and ENV9 (Nature Conservation), due to the nature of the development and the undulating topography of the site, it is considered that the proposed development would not have a significant adverse impact on the Special Landscape Area, Listed Wildlife Site and Local Nature Conservation Area. Furthermore SNH does not anticipate any significant environmental effects arising from the proposal and the Scottish Wildlife Trust agrees with the various recommendations made to protect the habitats and enhance the condition of the poorer areas. A planning condition could be imposed with regard to the proposed mitigation measures, and accordingly, the proposal would comply with Policies ENV7 and ENV9.

Policy HE4(b) considers the impact of new development on sites of archaeological significance. The applicant has submitted an archaeological assessment. The West of Scotland Archaeology Service has been consulted as part of this application and has advised that a planning condition should be imposed to secure the implementation of an archaeological watching brief. Subject to such a planning condition being imposed, the proposal would comply with Policy HE4(b).

Policy PI9 relates to Renewable Energy and requires assessment of the impact of renewable energy, including solar power, against a range of criteria. These are explored below:

(a) The proposed scale of the development would be significant and would cover an area of approximately 14.75 hectares of agricultural land. In order to assess this impact the applicant has provided a Landscape and Visual Assessment which includes existing and proposed photomontages and panoramas/wirelines. The Landscape and Visual Assessment concludes that solar farms are by nature a temporary land use, usually having an operational life of 25 years, require minimal disturbance to topography or landcover and current land uses can with careful planning be continued throughout the life of the development. Consequently, no short term effects are anticipated on the landscape fabric or land use at the site. Following decommissioning of the proposed development and its ancillary components, the site could be fully restored to its original condition and would therefore represent no long term landscape and/or visual effects.

The landscape and visual assessment shows that the local pattern of topography, vegetation and development limits the extent to which the proposed solar farm would be visible in the landscape. Only close proximity visual receptors (including recreational walkers, riders, cyclists and tourists etc) to the north-west/west of the site would experience substantial change. The proposed development would not affect the main iconic views of the seascape and associated views of Arran. The landscape and visual assessment states that the proposed development would be seen simultaneously with wind turbines and the Hunterston Power Station, as well as with the Hunterston Test Centre with wind turbines in excess of 200 metres.

Therefore the proposal, although commercial in nature, would not result in any significant detrimental impact on the immediate landscape. The scale and design of the proposal coupled with natural screening would ensure any impacts would be minimal and would not be detrimental to visual amenity.

(b) The landscape character of the area is essentially that of relatively open undulating farmland dispersed with farm steadings. The settlement of Millport is located to the south. As noted above, given the scale of the proposal, its design and limited visual impact out with the immediate areas, it is considered that it would not have a significant adverse impact. The landscape qualities of the area would be maintained.

(c) This criterion would not apply to this development.

(d) Compliance with this criterion is considered in conjunction with Policy HE 4(b). Given the assessment noted above, the historic heritage of the locality would not be affected.

SNH offered no comments during the planning process, however in response to the EIA Screening, SNH does not anticipate any significant environmental effects arising from the proposal. The applicant has provided an environmental report and an ecological assessment. The submissions provide an assessment of the existing ecological and biodiversity value of the site and its immediate surroundings alongside a number of recommendations. There is also the potential to improve the wildlife habitat of the site, which is currently used for grazing.

The proposal would therefore comply with this criterion.

(e) The site does not have any specific tourism or recreational interest as it is currently used for grazing. The applicant has stated that there is no evidence that renewable energy infrastructure has any impact on tourism. The supporting Landscape and Visual Assessment indicates that the proposed development would have limited impact on the landscape setting of the area.

(f) The applicant has submitted a glint and glare assessment within the environmental report, which assessed the potential for reflection from the development. The assessment highlights that the panels are designed to absorb as much light as possible to convert to electricity and therefore have a significantly lower level of reflectivity compared to other surfaces such as glass, water or steel. The position of the development and the orientation of the panels means that the entire array is only visible from very limited positions and from significant distance, so glare resulting from the cumulative reflection from all the panels would be unlikely. No glint or glare impacts are anticipated. Prestwick Airport has not objected to the application. Given the scale and type of development proposed it is not considered that there would be any detrimental impact on telecommunications or any other communication equipment.

The proposal would therefore comply with this criterion.

(g) The applicant has advised that an application to connect to the National Grid has been made. Further details regarding the proposed method and route of connection could be required through a planning condition.

(h) There would not be any resulting cumulative impact as a result of this development.

The proposal would therefore comply with this criterion.

(i) This criterion would not apply to this development.

(j) The application proposes the erection of a ground based solar farm. There would be no opportunity to co-locate with other major electricity or heat producers.

It is considered the proposal would comply with the relevant criterion of Policy PI 9 of the LDP.

With respect to the General Policy of the LDP, the relevant criteria in this case are (a) siting, design and external appearance, (b) amenity, (c) landscape character and (d) access, road layout, and parking provision.

For the reasons given above, it is considered that the scale of the development would have a relatively limited and localised visual impact on the landscape. A degree of visual mitigation would be achieved through boundary planting. External materials for the proposed supporting infrastructure have not been submitted. It would therefore be appropriate to require further details through condition. The materials should reflect the rural character of the area in order to comply with the Rural Design Guidance.

With regard to amenity, it is considered appropriate to impose a planning condition with regard to the rated noise level from the operation of the proposed solar panels and infrastructure.

There is only one dwellinghouse (Sheriffs Common), in close proximity to the site, however the development is not of a scale that would have a significant impact on residential amenity. The visual impact of the development would be acceptable.

In relation to (c), the proposal is considered to comply with this criterion for the reasons given under Policy PI9.

In relation to (d), the applicant has provided a Transport and Access Statement, which describes the proposed method of construction and delivery of materials. Modifications would be required to the junction of the B899/U36 to enable the movement of HGVs. A delivery vehicle management system would be put in place to ensure that in and out bound vehicles do not pass each other on the U36. There would be an element of increased traffic during construction however once complete there would be limited access required; traffic generated during the operation of the solar farm would be very low and associated with the monitoring, upkeep and cleaning of the site. NAC Transportation has no objections, subject to conditions (see consultation response above).

The proposal would comply with the relevant criteria of the General Policy.

Subject to the assessment above and a condition requiring further details of external materials relating to the design of supporting infrastructure, the proposals would also comply with the Rural Design Guidance. In summary, it is considered to be an acceptable proposal which accords with the provisions of the Local Development Plan. A condition can be attached reflecting the temporary period and to ensure that satisfactory restoration is undertaken upon removal of the solar farm from the site. There would be no material considerations that outweigh this conclusion.

It is recommended that the application be granted subject to conditions.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
10 March 2016

For further information please contact J Hanna , on 01294 324330

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 16/00124/PP

Grant subject to the following conditions:-

1. That, prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, details of the proposed design, location and external finishes for the supporting infrastructure, including control room, inverter cabin, customer cabin, access road and tracks, turning areas and parking. The approved external finishes shall be installed and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.

2. That, details of the security fence and CCTV system shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, the approved fencing shall be implemented prior to the coming into use of the solar farm and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, the rated noise level as defined in BS 4142:2014 of the proposed plant and ancillary equipment shall not exceed the existing background noise level by 5Db(A) or more at the curtilage of nearby noise sensitive premises, to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, full details of the connection to the national grid, including the requirement for any on site or off site infrastructure shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

5. That, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.

6. That, within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use, whichever is the sooner, the solar PV panels, frames and all associated structures and fencing, hereby approved shall be removed from the site. Thereafter the site shall be restored in accordance with a scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority prior to the cessation of the operation of the site.

7. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the applicant shall construct and operate the development in accordance with the provisions of the application, the supporting reports (planning statement, traffic and access statement, landscape and visual assessment, environmental report, ecological appraisal and archaeological report) and submitted plans and shall fully implement the mitigation measures contained within the submission to the satisfaction of North Ayrshire Council as Planning Authority. For clarification, details of the boundary planting along the western and north-western boundaries of the site shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development including the erection, extension, rearrangement or alteration at the site of fixed plant or machinery, buildings, structures, or private ways.

9. That, a road condition survey in conjunction with a North Ayrshire Council Roads Inspector shall be carried out prior to the work commencing on site and after the work is completed. The development shall be completed in strict accordance with the approved Traffic and Access Statement to the satisfaction of North Ayrshire Council as Planning Authority.

10. That, the proposed passing places to be provided along the U36 Inner Circle Road, shall be constructed as permanent fixtures, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the passing places shall be formed prior to the commencement of the solar farm development.

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

1. To ensure the design and appearance of the supporting infrastructure reflects the rural character of the area.
2. To ensure the design and appearance of the fencing reflects the rural character of the area.
3. To meet the requirements of Environmental Health.
4. To ensure that a sufficient and appropriately designed grid connection can be achieved.
5. In recognition of the archaeological significance of the site.
6. To reflect the temporary nature of the development and ensure that the site is restored to its previous condition.
7. To secure the proper completion of the development in the interest of

amenity.

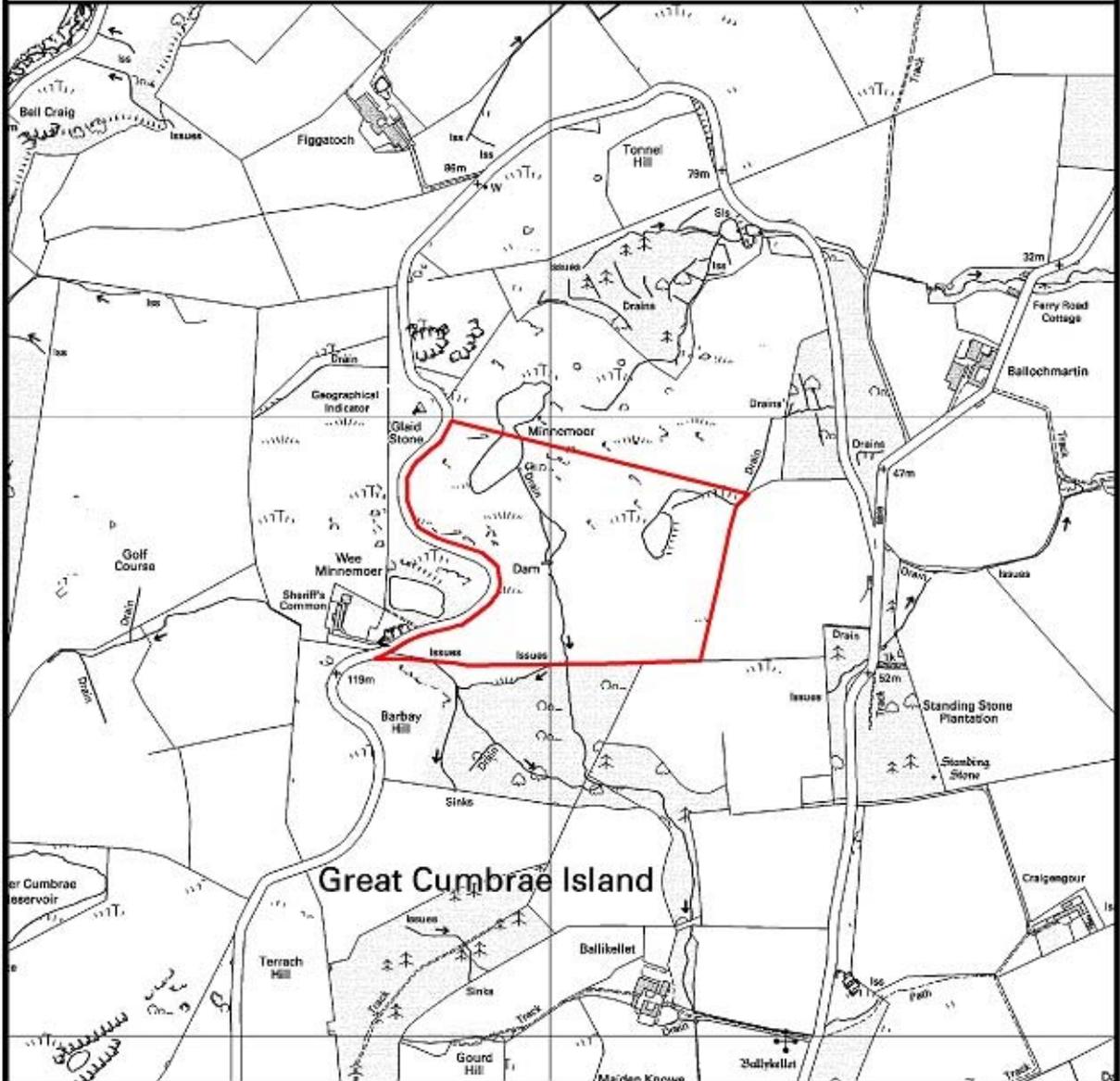
8. To protect the character and appearance of the rural landscape.
9. To meet the requirements of North Ayrshire Council as Roads Authority.
10. To meet the requirements of North Ayrshire Council as Roads Authority.

Reason(s) for approval:

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

Committee Plans

16/00124/PP



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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



NORTH Ayrshire Council

Agenda Item 5

27 April 2016

Planning Committee

Title: **Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT**

Purpose: To seek authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

Recommendation: That the Committee grants authority for the service of a Notice Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

1. Executive Summary

- 1.1 On the 23 March 2016, the Planning Committee determined to continue consideration of a report relating to non-compliance with a planning condition at 115 Bank Street, Irvine KA12 0PT. The property is operated as a vehicle repair garage. The condition in question is Condition 3 of planning permission dated 17th June 2003 (ref: 03/00083/PP) and the non-compliance relates to operating outwith the permitted hours of 8.00am and 6.00pm Monday to Saturday and 10.00am and 6.00pm on Sundays. Consideration of the report was continued in order to allow the operator of the garage the opportunity to apply for planning permission to vary the hours of operation.
- 1.2 The operator has been advised by Planning of the need to comply with the permission and the right to apply to vary the permitted hours. The Council's Business Support Team has also contacted the operator and provided the necessary forms and guidance. However, to date an application has not been received.

2. Background

- 2.1 The background to the matter including a summary of the complaints received and the representations of the operator are set out in the report to the Planning Committee dated 23 March 2016 and attached as an appendix.

3. Proposals

- 3.1 In the absence of permission to vary the hours of operation, it is proposed in the interests of the amenity of the area, to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17 June 2003 (ref: 03/00083/PP);

(i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3.

- 3.2 It is proposed that the compliance period be within 6 weeks from the date of issue of the Notice

- 3.3 It should be noted that the issue of such a Notice will not preclude the operator seeking permission to vary the hours of operation at a later date. The Notice will, however, ensure that Condition 3 is not in breach for 10 consecutive years and would therefore not become immune from planning control. Should Condition 3 become immune from control, the hours of operation would be unrestricted with no action open to the Council, as Planning Authority.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority - "Supporting all of our people to stay safe, healthy and active"
Community Benefits:	N/A

5. Consultation

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



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Iain Davies on 01294 324 320

Background Papers

1

NORTH AYRSHIRE COUNCIL**Agenda Item 5****23 March 2016****Planning Committee**

Title: **Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT**

Purpose: To seek authority to serve a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

Recommendation: That the Committee grants authority for the service of a Notice Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 13/00083/PP)

1. Executive Summary

- 1.1. Planning permission was granted 17th June 2003 (ref: 03/00083/PP) for the erection of an extension to an existing garage/workshop to form a separate car repair business. The extension was erected and the separate car repair business use was commenced. The use is currently operated as Bank Street Auto Clinic. The permission was granted subject to several conditions including Condition 3, which requires that the garage business shall not operate between the hours of 6.00pm on any day and 8.00am the following day except on Sundays, when the business shall only operate between the hours of 10.00am and 6.00pm. The Council first received complaints that the condition was not being complied with in November 2012. Since that date there has been sporadic non-compliance with the condition. Therefore Condition 3 is found to be in breach.
- 1.2. The owner of the property has been written to and contacted on several occasions and requested to fully comply with the requirements of the condition attached to the planning permission. Whilst this action has resulted in periods of compliance, the Council continues to receive complaints that the business is operating outwith the permitted hours. The operators of the garage has admitted to Officers that they have been open beyond the permitted hours on occasions. They state

this has mainly occurred where they have opened late to finish a repair following late receipt of parts. A summary of the operator's reasons for opening outwith permitted hours is given below.

- 1.3. A Breach of Condition Notice would require full compliance with the requirements of the condition. Compliance would be required within 6 weeks of the date of the issue of the Notice. There is no right of appeal against a Breach of Condition Notice. Anyone responsible for not complying with a Breach of Condition Notice is guilty of an offence, which can be reported to the Procurator Fiscal.

2. Background

- 2.1 The following condition attached to planning permission dated 17th June 2003 (ref: 03/00083/PP) has not been complied with and is therefore in breach.

Condition 3 - That the garage business shall not operate between the hours of 6.00pm on any day and 8.00am the following day except on Sundays when the business shall only operate between the hours of 10.00am and 6.00pm.

Complaints have been received that the garage is operating outwith the permitted hours. The garage operator has admitted that on occasion they have operated before 8.00am and after 6.00pm.

- 2.2. The Council first received a complaint that the condition was not being complied with in June 2009. The investigation into this complaint was closed following the owner of the property being advised of the need to comply with the condition. Another complaint was received in November 2012 and a letter was sent to the owner and occupier advising them of the need to comply with the condition. Further complaints were received between January 2015 and October 2015. The operator of the garage was both written to, and visited in May and October 2015. During the October visit the operators admitted they had been open until 7pm on a couple of days when they had been busy. The Council wrote to the operators and advised them that they had the right to apply to vary the planning condition for longer hours. There was no guarantee that any application would be granted and they must comply with the original hours of operation.
- 2.3 Following complaints received in January 2016, the Council wrote to the operators to confirm that authority for the issue of a breach of condition notice would be sought. The operators responded by letter dated 10th February 2016, within which they admitted to working after 6pm on occasion. This later opening was to ensure customer's cars were ready for pick-up where delays had been caused by late delivery of car parts. They did this to keep their customers satisfied and to ensure their business keeps running and employees kept in employment. The letter stated that they also opened their doors before

8am to allow their employees to get ready for an 8.30am start and remained open after 6pm to allow employees to clean up. They usually closed at 1pm on a Saturday and did not operate on Sundays, although they admitted they had been open on a Sunday to carry out works to the building and repair their own vehicles. They were a Small Business of the Year winner and had operated at the premises for 7 years. They endeavour to keep their work ethics to a maximum and strive to keep the business running, giving employment to local motor mechanics. They believed that the complaints arose from one source who complains about their business for different reasons. Officers responded by letter dated 17th February 2016, noting the occasions on which they had operated outwith the permitted hours. The letter restated that the operators could apply for permission to vary the hours of operation. However, given the continued breach of the current permitted hours, it remained the Council's intention to seek authority for the issue of a breach of condition notice.

3. Proposals

3.1 In the interests of the amenity of the area, it is proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17th June 2003 (ref: 03/00083/PP);

(i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3.

3.2 It is proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

4. Implications

Financial:	The service of the Notice has no financial implications outwith normal budgetary provisions.
Human Resources:	N/A
Legal:	The proposed Breach of Condition Notice is in accordance with Statutory Regulations. Non-compliance with such a Notice is an offence and the Council, as Planning Authority, could report such an offence to the Procurator Fiscal.
Equality:	N/A
Environmental & Sustainability:	N/A
Key Priorities:	The proposed Breach of Condition Notice supports the Council Plan priority - "Supporting all of our people to stay safe, healthy and active"
Community Benefits:	N/A

5. Consultation

Finance and Property Services has been advised of the report in terms of its budgetary provision.



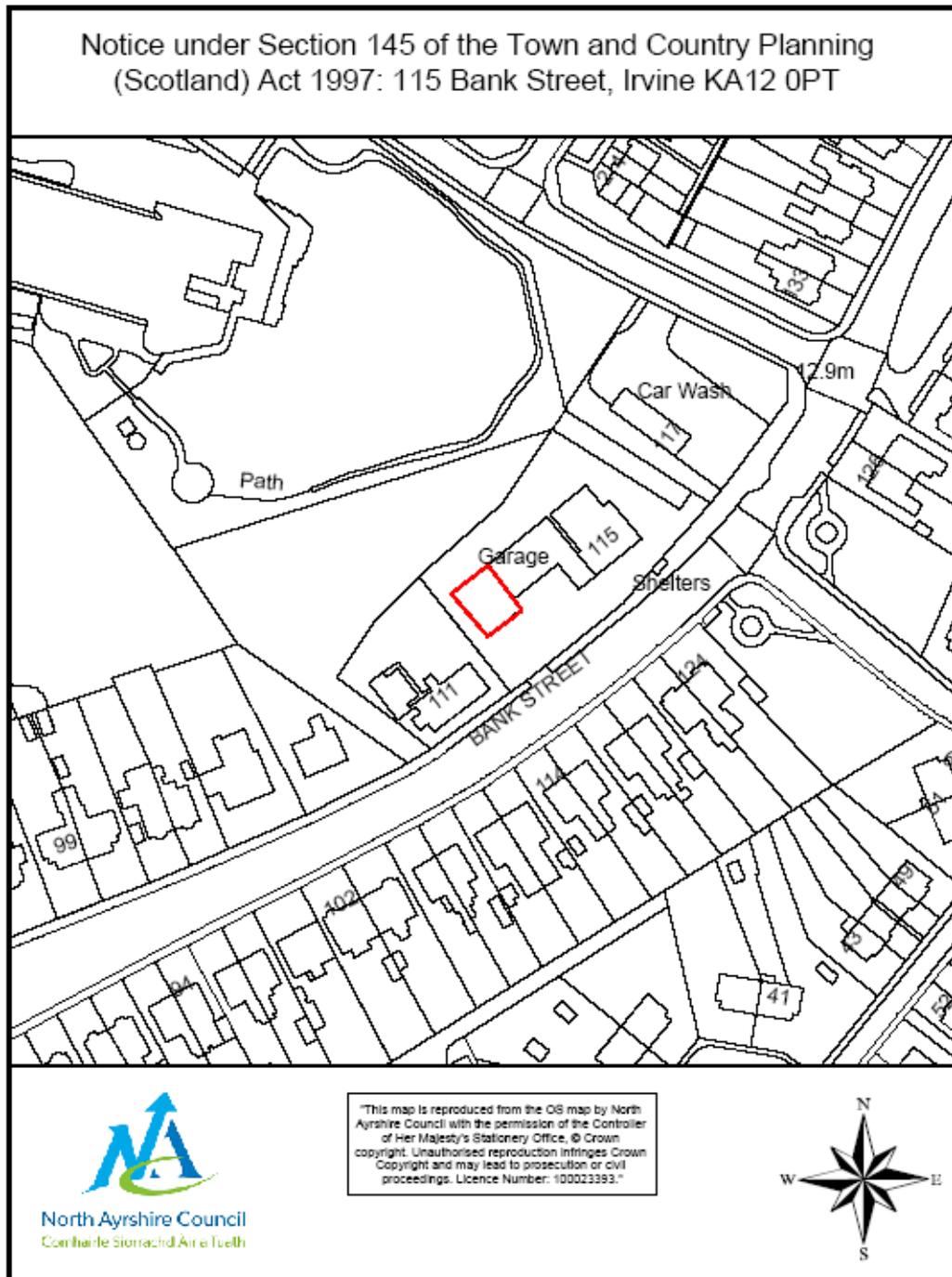
KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Iain Davies, Planning Officer on 01294 324 320

Background Papers

0



NORTH AYRSHIRE COUNCIL

Agenda Item 6

27 April 2016

Planning Committee

Title: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 40 Ritchie Street, West Kilbride KA23 9HF**

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

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

1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land at 40 Ritchie Street, West Kilbride KA23 9HF. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 No. 40 Ritchie Street comprises of a residential property on the southern side of Ritchie Street. To the east of the building, between the building and No. 38 Ritchie Street, is an alleyway giving access to outbuildings behind the main building. The alleyway is accessed from Ritchie Street The site is surrounded on all sides by residential properties and is located within the West Kilbride Conservation Area.
- 1.3 The alleyway at the side of the main building has been used for dumping of what appears to be household items, building, garden and general waste. The land is visible from the adjoining residential properties and from Ritchie Street, which is one of the main approaches into the centre of West Kilbride. The condition of the land, due to the accumulation of refuse, has a significant adverse impact on the amenity of the local area.

2. Background

- 2.1 The site is a residential property which has undergone some internal refurbishment. It is understood that some of the refuse relates to that refurbishment. However, that refuse was not removed and further dumping has occurred on site. The land is identified in the Local Development Plan as within the settlement of West Kilbride and is located within the West Kilbride Conservation Area.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land in January 2016, revealed that refuse had been dumped on site. The owner of the land was requested in writing to clear the site and confirm intentions for the site. The owner contacted the Council to confirm that the site would be cleared by the week beginning 7 March 2016. This work was not done and further dumping appears to have been carried out. Environmental Health is investigating as to whether or not the dumping has caused an infestation of vermin. The owner has been advised that the Council is now considering formal enforcement action requiring clearance of the site. To date no response has been received.
- 2.3 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The area where the refuse is located is visible from one of the main approaches to the centre of West Kilbride and also from adjacent residential properties.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
 - (i) Removal of all refuse from the alleyway to the east of the buildings;
- 3.3. It is proposed that the owner would be given 28 days from the date of any Notice taking effect in which to carry out the requirements.

4. Implications

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

5. Consultation

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



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference : ID

For further information please contact Iain Davies on 01294 324 320

Background Papers

0

Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 40 Ritchie Street, West Kilbride KA23 9HF



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

1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 7

27 April 2016

Planning Committee

Title: **New North Ayrshire Shopfront Design Guidance**

Purpose: To approve the North Ayrshire Shopfront Design Guidance.

Recommendation: Agree to (i) adopt the North Ayrshire Shopfront Design Guidance at Appendix 1 as planning guidance; and (ii) delegate authority to Executive Director (Economy and Communities) to make non-significant editorial changes to the guidance from time to time.

1. Executive Summary

1.1 Shopfronts are important to the character, appearance and success of our towns and villages. The proposed amendments to the design guidance would further improve the quality of the retailing environment across North Ayrshire. This report provides further background to the draft guidance (see Appendix 1).

2. Background

2.1 The Council has approved guidance and policies to assist the determination of applications for planning permission for both new and replacement shopfronts. The General Policy of the adopted North Ayrshire Local Development Plan (LDP) sets key criteria for assessing proposed developments. In addition other policies may be relevant if the proposal affects a listed building and/or is within a Conservation Area. In addition there is supplementary guidance for alterations to shopfronts contained in both the approved Control of Advertisement Policy and Town Centre Design Guidance.

2.2 The Council's Regeneration Service within Economy & Communities also provides informal design guidance. Conservation architects, Robert Potter & Partners, were appointed to carry out initial scoping work for shopfront improvements as part of the Millport CARS. Part of this work involved reviewing the approved guidance with the aim of making it more relevant for the assessment of planning applications.

3. Proposals

- 3.1 The purpose of this draft guidance is to highlight principles of good shopfront design and to assist and encourage applicants to sympathetically restore, change or build new shopfronts. The draft guidance addresses key issues from choosing appropriate finishing materials and signage to appropriate security measures. The draft guidance aims to be more visual, and includes examples of both good and bad practice. Sensitive contemporary designs are also encouraged. Finally, the draft guidance consolidates the Council's position on shopfront design, replacing three separate guidance documents with one.
- 3.2 It is proposed that the guidance would be a material consideration in the determination of all planning applications for shopfront developments within North Ayrshire.
- 3.3 If approved, the draft North Ayrshire Shopfront Design Guidance would supercede the Control of Advertisement Policy and pages 44-47 of Town Centre Design Guidance as the Council's approved planning advice on shopfronts. It is recommended that the Committee agrees to the adoption of the draft guidance, and delegate authority to allow minor changes to be made to the guidance.

4. Implications

Financial:	The review of shopfront guidance was funded by the Millport CARS.
Human Resources:	N/A
Legal:	The draft guidance would be a material consideration in the determination of relevant planning applications and applications for the display of advertisements.
Equality:	None.
Environmental & Sustainability:	The draft guidance would support an improved retailing environment, encouraging good quality shopfront and the perception of our town centres as places to visit, live, work and invest.
Key Priorities:	The draft guidance aligns with the Council Plan priority of 'growing our economy, increasing employment and regenerating towns'.
Community Benefits:	None.

5. Consultation

5.1 The draft guidance was prepared by Planning Services in partnership with the Council's Regeneration Service.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference :

For further information please contact Andrew McNair, Planning Officer,
Planning Services on 01294 324769

Background Papers

The Control of Advertisement Policy, exact publication date unknown, North
Ayrshire Council

Town Centre Design Guidance, 2010, North Ayrshire Council

North Ayrshire Shopfront Design Guidance - Planning Committee Draft 27 April 2016

Introduction

Shopfronts are important to the character and appearance of our towns and villages. They can greatly contribute to our sense of place, nurturing a quality retailing environment that attracts shoppers, visitors and businesses to the area. North Ayrshire has early examples of shopfronts and these are important for preserving our built heritage and maintaining links with the past.

An improved retailing environment can:

- enhance the historic character of our towns and villages
- improve the perception of our towns and villages as places to visit, live, work and do business
- increase retail activity

Poor quality shopfront alterations can erode the architectural merit of individual buildings and the townscape qualities of a street or Conservation Area. Through this guidance, North Ayrshire Council seeks to encourage the best practice in shopfront design.



The Cross, Beith

Purpose

The purpose of this Design Guidance is to highlight principles of good shopfront design and to encourage applicants to sympathetically restore, change or build new shopfronts. The Design Guidance, however, does not remove the need for qualified professional advice.

This guidance complements and expands on the relevant planning policies of the North Ayrshire Local Development Plan. It should be read in conjunction with other Council planning guidance, where appropriate. While each planning application will be considered on its own merits, the guidance will be used to assess all planning applications for shopfronts within North Ayrshire, regardless of location and intended use.

Planning Consents

The following planning consents may need to be obtained from North Ayrshire Council prior to commencing works to a shopfront:

- Planning Permission is required where a proposal is considered to affect the character or external appearance of a building. For example, the replacement of windows and doors, making window or door openings, the installation of security grilles, shutters, new fascia or elevational details.
- Listed Building Consent is required in addition to planning permission where the shopfront forms part of a Listed Building and the works would affect the character of the building.
- Advertisement Consent may be required for the replacement of signs and adverts. On business premises, it is not always necessary to obtain advertisement consent, subject to meeting certain criteria. Some types of illuminated signs require advertisement consent.

Application forms and details of application fees can be found at <https://eplanning.scotland.gov.uk>. You can also make applications online or by post.

Please note that a Building Warrant may be required from the Council to ensure building works are structurally sound and in accordance with building standards.

Contact Us

North Ayrshire Council strongly encourages pre-application discussions to enable, as far as possible, the potential issues associated with a proposal to be identified and resolved at an early stage. Such discussions can greatly benefit both applicants and the Council, improving certainty as well as saving time and costs in the planning process.

Our contact details are provided below, if you wish to obtain further advice about this guidance or to arrange pre-application discussions:

By phone: 01294 324319

By email: e-planning@north-ayrshire.gov.uk

In person or by post: Planning Services, North Ayrshire Council, Cunninghame House, Irvine, KA12 8EE

Poor Shopfront Design

Recent decades have seen an increase of unsympathetic shopfronts that do not respect the building and wider streetscape. Common elements of poor shopfront design include oversized fascias of poor detail and quality, no consideration of proportion, solid faced security shutters often with projecting boxes, non-traditional canopies, excessive lettering and signage. These elements should be avoided by new or replacement shopfronts.



Elements of poor design include

Oversized fascias with poor detail & quality

Solid faced security shutters with projecting boxes



Main Street, Beith - RPP Photograph

These elements should be avoided by new or replacement shopfronts

Good Shopfront Design Principles:

The following principles provide a useful starting point when considering any new or replacement shopfronts.

The Streetscene

Shopfront designs should not detract from the character and amenity of the streetscene and existing buildings. Proportions, materials and details should sympathetically respect the original rhythm, character and hierarchy of existing buildings along the street.



The Building as a Whole

In addition to the above, careful consideration should be given as to how the shopfront design would affect the character of the whole building, and adjoining buildings.

The shopfront should complement the character and proportions of the upper floors of the building and should not be designed in isolation.

Contemporary Design

It is not the intention of this guidance to discourage innovative design. Where a contemporary design is proposed, this must be sensitive to the building and contribute positively to the street scene. Careful consideration should be given to proportions, materials and detailing to ensure a design of the highest quality.

This is particularly important within Conservation Areas or where the proposals affect a historic or Listed Building. In such cases, the Council will generally encourage the restoration of historic shopfronts where these exist or the reinstatement of a traditional framework and period features where there is firm evidence of these. Where no firm evidence exists, the Council may consider more contemporary designs.



The Bean & Leaf, The Promenade, Largs

Traditional Shopfronts

Traditional shopfronts provide towns with a sense of local identity and make significant contributions to the character of our townscapes.

Many traditional shopfronts can be repaired as these were often designed to high standards using quality durable materials. Original features can often be uncovered when removing modern alterations and these can add interest and variety to the streetscape. The repair and reinstatement of these features will be encouraged in line with good conservation principles.



Main Street, Largs – before/after



Saltcoats Town Hall – before/after

Elements of a Traditional Shopfront

Traditional shopfronts contain architectural elements that will vary depending on the age of the property, the style of the building together with other influences such as local skills and fashions at that time. The drawing below indicates the elements of a typical Victorian shopfront which are derived from classical architecture and proportions. Many of these features will be evident in shopfronts of other architectural periods and modern shopfronts often utilise these classical principles.

The Council will aim to promote the sensitive repair or reinstatement of these elements particularly where a proposal lies within a Conservation Area or affects a Listed Building.



Elements of a Traditional Shopfront

1. Blind Box for Traditional Awning
2. Cornice
3. Fascia
4. Console Bracket
5. Fanlight
6. Pilaster
7. Plinth
8. Stallriser
9. Inner Shop Door with Gunstock Stiles
10. Outer Timber Panelled Storm Door
11. Storm Door to Close.

Fascia Boards

The fascia is used to provide a space to display the name of the shop or business.

Fascia boards should respect the original depth and be of appropriate proportion to the building and shopfront. They should be designed to suit an individual shopfront and not extend across more than one building. Victorian fascias were typically more ornate and may have been surrounded with architectural detail.

The fascia should not excessively project into the street in a box-like fashion. The most successful fascia boards are those capped with a projected moulded cornice and architrave which provide a proper architectural division between the top of

the shop and the upper floors of the building.

Fascias are often contained within pilasters and capital or console brackets. These architectural features combine to 'frame' the shopfront.

Fascia boards should not be fitted where they will conceal any original architectural features. Many such features are preserved underneath large modern fascias and these should be exposed where possible.

Buildings which were not designed for commercial use should not have a fascia added. In these cases it may be appropriate for the lettering to be embossed.



Walker Hall, Kilbirnie showing embossed lettering

Console Bracket

A decorative feature used to signify the end of one shop and the beginning of another. These may be classically inspired however many modern stylised examples exist. The bracket is usually located beneath the cornice level and above pilasters.

Cornice

The cornice is usually located below the window sill of the first floor and provides a natural separation between the first and ground floors. They also serve the function of shedding water from above. Fascias are generally located beneath this level.

Stallrisers and Pilasters

Stallrisers provide a solid base which protects a shopfront from kicks and scrapes. This element is important for the proportion of the shopfront and allows the display of goods closer to waist, rather than foot height. The height of a stallriser will vary depending on the shop however new stallrisers must be respectful to the proportions of the building.

Pilasters are slim columns at either extremity of the shopfront that project slightly from the wall. These provide important vertical boundaries and a separation between shopfronts.

Stallrisers and pilasters can take a variety of forms - they can be panelled, fluted, plain or moulded. They can also be applied in a variety of materials such as stone, timber, render, slate, polished marble, granite or metal, subject to context.



Main Street, Largs



Console Bracket/Pilaster

Awnings

Awnings are designed to protect shop goods from sunlight and provide shoppers with a degree of protection from inclement weather. Traditional awnings were single, flat, sheet type blinds that were fitted either within a blind box above or below the fascia or within an integral blind box hidden behind the fascia incorporated into the shopfront design. Where practical, the awning should not extend across pilasters and where original awning fixtures exist, these should be retained and refurbished.

Ironmongery

Traditional ironmongery such as door handles, letterboxes, ventilation grilles and window fittings are often overlooked, however, these contribute to the character of a shopfront and should be retained and refurbished.



Shop Windows & Doors

The style of shop windows and doors are an important consideration to the overall composition of a shopfront. The subdivision should be appropriate to the age and style of the building. Pre-1830s shops will have smaller multiple panes. From the 1840s onwards there was a move to larger panes formed in plate glass. These were initially divided horizontally before graduating to larger expanses.



Eglinton Street, Beith – RPP Photograph

Georgian and Victorian shops often have a set of storm doors leading to an inner lobby. The inner shop doors were usually glazed to allow natural light and visibility for customers entering and leaving. Edwardian shops sometimes adopted curved glass at shop entrances which created bell-shaped lobbies. Historic doors are usually of a higher quality hardwood and should be retained or refurbished where possible.

Materials:

Natural Stone

Natural stone is considered an appropriate material for pilasters and stallrisers where the overall facade is of significance and the upper floor facade is in stone. This is particularly the case on listed buildings. Within natural stone shopfronts, traditional hardwood window and door frames are often considered appropriate.

Glossy or reflective materials such as uPVC are generally not accepted on Listed Buildings and within Conservation Areas. Matt painted timber gives a high quality appearance and allows a great deal of creativity and individuality to be applied. Ceramic tiles on pilasters, cement render and mirrored glass are examples of materials that are considered inappropriate on traditional frontages. Ceramic tiles may, in certain circumstances, be permitted on stallrisers.

Where sandstone frontages remain unpainted or otherwise treated, their retention is supported. Shopfront repairs should always be undertaken using materials that are traditional or complimentary to the building as a whole. Appropriate stonework repairs should include the use of lime pointing and indenting using a matching stone compatible with the existing. Expert advice from a qualified professional should always be sought prior to undertaking any repair. The use of cement pointing and rendering will be harmful to the stonework and should be avoided. Repairs to existing cement render will be considered where it is not possible to remove this without causing damage to the stonework beneath.

Paints and Varnishes

Stonework that is currently bare should not be painted as this may be harmful to the stone, however, the use of breathable mineral paints may be considered in certain circumstances where the shopfront is in poor condition.

Traditionally, woodwork was usually painted, although varnishes may have existed where high quality timbers were used. It is generally not appropriate to varnish modern composite materials or softwoods. A gloss or semi-gloss paint rather than a matt finish should be used.



Ayr – RPP Photograph

Signage and Advertisements

Carefully designed signs can enhance the quality of a shopfront. Signage should be discreet and attractive. Signs above fascia level or on gables will be discouraged unless of exceptional quality or historically appropriate. Fascias that run continuously over several shopfronts should be avoided, and their subdivision into individual elements considered.

Where a fascia board is not available, individual lettering can be placed directly on the building, but again this must be of appropriate size and design and the non-ferrous fixings should not damage the building.

Promotions, special offers, services and so on should be placed in window displays rather than additional bolted-on signs.

The sensitive use of window decals will also be encouraged to enable the amount of information on fascias to be minimised – the business, name, trade or service should be all that is on the fascia. Additional details, such as contact phone numbers and other services can be provided on window decals. Excessive display of acrylic or plastic window stickers can visually over dominate the streetscene and should, therefore, be avoided.



The height of lettering should be proportional to the depth of the fascia. The appropriate use of hand-painted lettering on fascias and/or individual mounted 3D moulded letters will be encouraged.



Non-timber fascia panels, whether G.R.P. or Perspex should have a matt, non-reflective finish. The panel trim should be the same colour or complementary colour to the panel. Plain panels should be used without extraneous logos, underlining or embellishments. Discreet logos may be permitted in certain circumstances.

For traditional shopfronts, letter faces considered appropriate for use are those derived from a classical style with serifs. This is considered to be historically accurate lettering in view of our towns' Victorian heritage. Multi-coloured letters are not acceptable and matt, non-reflective lettering should be used.

Traditional hanging/projecting signs and trade symbol signs will be encouraged. Projecting signs should be traditional board signs of minimal width preferably top-hung from a traditional wrought-iron bracket. Projecting signs should be located at fascia level and have a maximum dimension of 600mm X 600mm. On no account should the depth of the projecting sign exceed the depth of fascia.



Colours

In some cases, paint analysis can inform the original colour scheme. Some towns have a broad range of colours. However, unrestrained application of colour can have a negative effect. Traditional shopfronts used a limited range of colours that were available at the time. The selection should be respectful to the architectural style and character of the area and agreed with North Ayrshire Council's Planning Service.

Illumination

Internally illuminated box signs are obtrusive and will be discouraged. Instead, subtle external lighting of high quality should be utilised where illuminated signage is deemed necessary or illumination by the use of individual, internally illuminated letters.

Security

Security measures should be an integral part of the design of shopfronts to avoid the appearance of unsightly burglar alarms and cumbersome shutters. The Council is aware of the pressures placed on shop owners to have a comprehensive security scheme such as external roller shutters. However external roller shutter boxes are inappropriate and the visual impact of these is a major problem within our towns. Alternative security options are available which do not compromise the appearance of the shopfront. The main traditional methods of protecting shopfronts include external removable shutters, rising shutters, roller shutters, storm doors and shop gates. External removable shutters and rising shutters are rare and almost obsolete. Modern methods include the use of internal or external grilles.

Roller Shutters

Modern roller shutters tend to be retro fitted onto the fascia, are unsightly and will be discouraged. Traditional roller shutters formed an integral part of the shopfront and were constructed of timber with the housing installed within the window soffit or hidden behind deeper and angled fascias. Where modern metal roller shutters are to be used, the housing must be concealed and recessed, where technically feasible, and the shutters installed in an open lattice or brick bond grille arrangement rather than solid metal.



Storm Doors and Shop Gates

Traditional storm doors could be folded back into an entrance lobby allowing them to appear as timber panelling and not impede customers. They offer effective protection and should be retained.

Shop gates were a development in the latter nineteenth century and restricted access to the lobby area where storm doors were not appropriate. The gates were usually fixed and were lifted off the fixings and stored in the shop during working hours. Gates can sometimes be highly decorative and their retention will be encouraged.

Internal Grilles

A solution is to install a form of lattice screen behind reinforced glazing. These are installed behind the glass of shop windows and doors and usually consist of mesh grilles or lattice roller shutters. The advantage of internal grilles or shutters is that they can be sensitively designed in a variety of styles that respect the size and shape of the window. Internal grilles can also be concealed when not in use.

Another advantage of internal shutters is that they do not require planning permission, as they do not affect the external appearance of the building. However, Listed Building Consent may be required. The below image shows an example of sympathetic internal grilles.



The Cross, Beith

External Grilles

Externally mounted grilles can be fixed to the outside of windows and doors in runners or on hooks and padlocked to the window frame to protect the window once the shop is closed. Grilles should be removed during hours of business and adequate space for their storage must be provided to prevent clutter. Wire mesh grilles allow goods in the window to be seen, provide security to the shop window itself and are light and easy to handle. Removable grilles have the advantage of doing away with the box housing, side rails etc., of permanently fixed systems.

DRAFT

NORTH AYRSHIRE COUNCIL

Agenda Item 8

27 April 2016

Planning Committee

Title: **Revocation Order to Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport**

Purpose: To consider the revocation of Millport No. 1 Tree Preservation Order for trees at Howard St/Church Hill, Millport.

Recommendation: Agree to revoke Millport No. 1 Tree Preservation Order.

1. Executive Summary

- 1.1 As local planning authority, North Ayrshire Council has statutory powers to revoke an existing Tree Preservation Order (TPO) through the service of a Revocation Order. The purpose of TPOs is to protect trees of amenity and/or historic value from harmful tree works. In using the powers, the Council can ensure its TPOs are up-to-date and fit for purpose. In some cases, it is appropriate to revoke old TPOs e.g. where trees are no longer of merit or the site circumstances have been changed. This report provides the background to Millport No. 1 Tree Preservation Order and the case for revoking this Order.

2. Background

- 2.1 The Millport No.1 TPO relates to mainly deciduous trees at the rear boundaries of private gardens of No. 2-28 Bute Terrace, Millport. The trees collectively form a wooded strip running along a section Howard St and on either side of Church Hill, leading to Cumbræ Parish Church. The Order was designated by Cunninghame District Council in 1991 and extends to 0.505 hectare. It is located within the boundaries of Millport Conservation Area, which was designated as a Conservation Area in 1971 (see Appendix 1).

- 2.2 Following receipt of two tree work applications at 16 and 18 Bute Terrace, the Council's Arboricultural Officer (Place) reported on the poor and deteriorating condition of trees in the locality, due mainly to historic pruning. The Council's Arboricultural Officer highlighted that most of the trees, covered by the group TPO, were also in poor condition as a direct result of past poor pruning works. Most of the trees have been severely pruned in the past and as a result exhibit weakly attached regrowth, which is typical of a type of heavy crown reduction. Some trees are positioned close to Howard Street and, if left to deteriorate further, may pose a future hazard to adjacent roads and structures. All of the trees are within the Millport Conservation Area and therefore receive a degree of statutory protection. Planning legislation sets out two criteria for making a TPO - one of which is that it is in the interests of the amenity of the area. It is considered that the current poor and continuing deterioration of the trees has a negative impact on the local amenity, and therefore the TPO is no longer merited in terms of amenity.
- 2.3 Other supporting grounds for revoking the Order would include that the applicants would have the same, but lesser, tree work controls as their neighbours outwith the TPO, but within the Conservation Area; and the removal of the Order would mean applicants would no longer need to make a formal planning application for tree works, although property owners would still need to give 6 weeks 'prior notice' in writing of any works to the Council.

3. Proposals

- 3.1 The continued designation of the TPO is no longer merited, as the circumstances which supported the original designation have materially changed. It is, therefore, proposed that the TPO at Howard Street and Church Hill is revoked and a Revocation Order is served. It is best practice to inform neighbouring properties to ensure local knowledge of the Revocation Order. Accordingly, it is proposed that the owners of 2-28 Bute Terrace, Millport are notified of the Revocation order.

4. Implications

Financial:	The costs of serving the Revocation Order can be met from existing budgets.
Human Resources:	None.
Legal:	Owners will be served with the Revocation Order by Legal Services and, if confirmed, the original TPO Order must be endorsed with a statement to that effect, specifying the date and title of the Revocation Order. In addition, the copy of the original TPO Order must be withdrawn from public inspection.
Equality:	None.
Environmental & Sustainability:	The trees will continue to have statutory protection within Millport Conservation Area.
Key Priorities:	None.
Community Benefits:	None.

5. Consultation

- 5.1 Consultation has been undertaken with the Council's Arboricultural Officer.



KAREN YEOMANS
Executive Director (Economy and Communities)

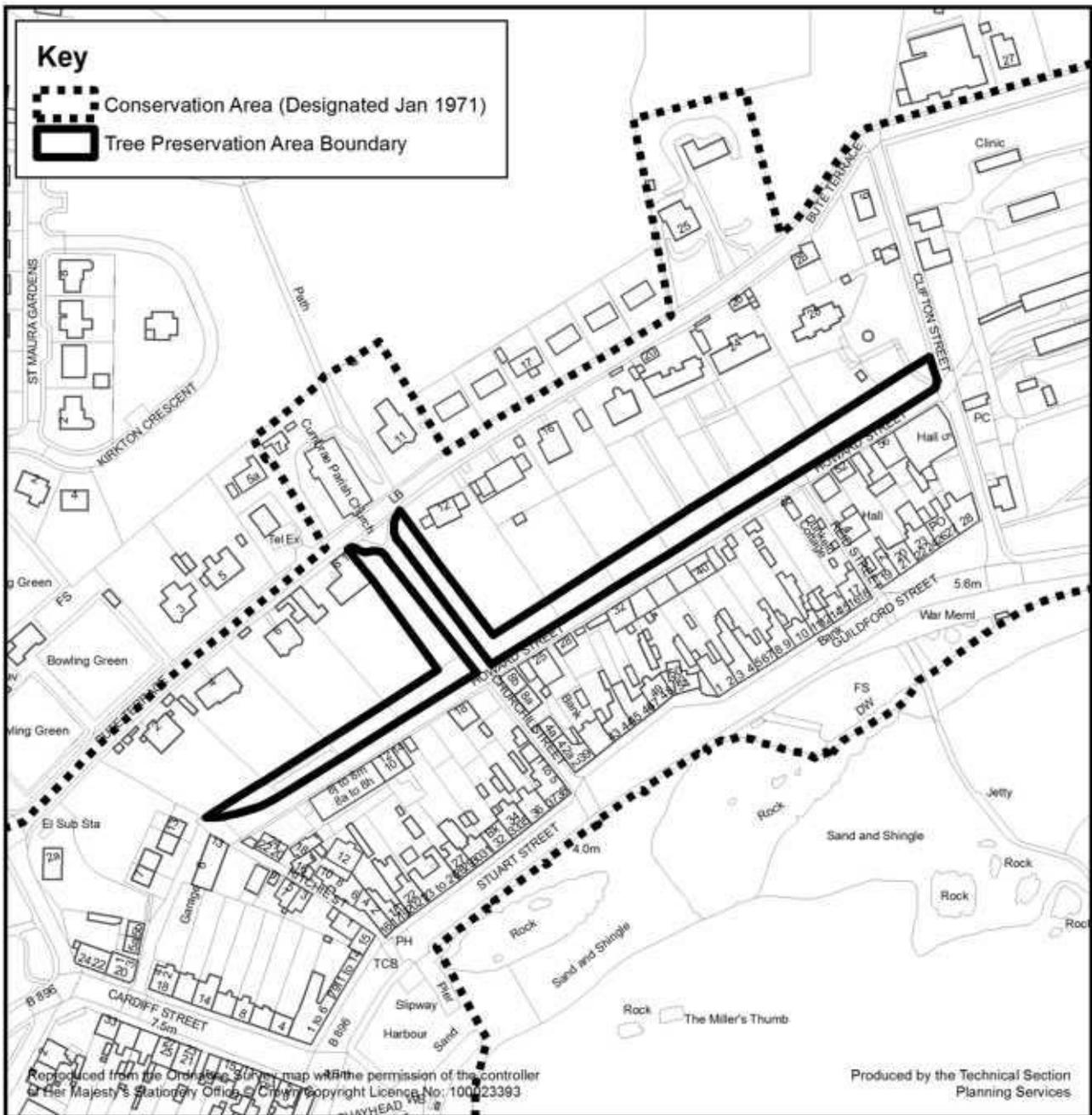
Reference :

For further information please contact Andrew McNair, Planning Officer,
Planning Services on 01294 324769

Background Papers

0

Tree Preservation Order - Millport No. 1



Address: Howard Street & Church Hill, Millport.

Grid Ref: NS 1613 5496

Area: 0.505Ha

Description: Mixed deciduous & coniferous trees.

Date Confirmed: 29th January, 1991



NORTH

Scale: 1:2,500