



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Planning Committee

A Meeting of the **Planning Committee** of North Ayrshire Council will be held in the **Council Chambers, Ground Floor, Cunninghame House, Irvine, KA12 8EE** on **Wednesday, 28 September 2022 at 14:00** to consider the undernoted business.

Meeting Arrangements - Hybrid Meetings

This meeting will be held on a predominantly physical basis but with provision, by prior notification, for remote attendance by Elected Members in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>.

1 Declarations of Interest

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

2 Minutes

The accuracy of the minutes of meetings of the Planning Committee held on 24 August 2022 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 22/00420/PPM: Site To North Of St Andrews Court, Saltcoats

Erection of 99 dwelling houses

4 Provisional Tree Preservation Order: Grouping of Trees adjacent to Wildcat Road and Summerlea Road, West Kilbride

To seek authority to serve a Provisional Tree Preservation Order to protect a group of trees at Wildcat Road and Summerlea Road, West Kilbride

5 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former dental surgery, Fergushill Road, Kilwinning

To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.

6 Urgent Items

Any other items which the Chair considers to be urgent.

Webcasting

Please note: this meeting may be filmed/recorded/live-streamed to the Council's internet site and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being filmed/recorded/live-streamed.

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Planning Committee Sederunt

Robert Foster (Chair)
Timothy Billings (Vice-Chair)
Scott Davidson
Stewart Ferguson
Cameron Inglis
Amanda Kerr
Davina McTiernan
Jim Montgomerie
Ian Murdoch
Chloe Robertson

Chair:

Apologies:

Attending:

Irvine, 24 August 2022 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving a combination of participation by remote electronic means and physical attendance within the Council Chambers, Irvine

Present (Physical Participation)

Robert Foster, Timothy Billings, Scott Davidson, Stewart Ferguson, Amanda Kerr, Davina McTiernan and Chloé Robertson.

Present (Remote Participation)

Jim Montgomerie.

In Attendance

J. Miller, Chief Planning Officer (Planning); R. Lynch, Senior Manager and J. Niven, Solicitor (Legal Services) and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

Apologies

Cameron Inglis and Ian Murdoch.

Chair

Councillor Foster in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 11 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The Minutes of the meetings of the Ordinary Meeting of the Planning Committee held on 8 and the Special Meeting on 29 June 2022 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 22/00094/PPM: 1 - 5 Crompton Way, North Newmoor, Irvine

Manse Irvine LLP, have applied for planning permission for the erection of 60 dwellinghouses including the formation of access roads, open space, landscaping and ancillary works at 1-5 Crompton Way, North Newmoor, Irvine. One letter of objection was received and summarised in the report.

Councillor Davidson, seconded by Councillor Robertson, moved that the application be granted, subject to conditions, including a condition requiring all houses with vehicular parking to the rear to be provided with a direct means of access from their allocated parking space to their rear door.

As an amendment, Councillor Billings, seconded by Councillor McTiernan moved that the application be refused in terms of Strategic Policy 2 in that the design did not provide reasonable private outside space for a number of the proposed houses.

On a division and a roll call vote, there voted for the amendment Councillors Billings Ferguson and McTiernan (3) and for the motion, Councillors Foster, Davidson, Kerr, Montgomerie and Robertson (5), and the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.
2. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed boundary treatments for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, all houses with vehicular parking to the rear shall be provided with a direct means of access from their allocated parking space to their rear door. Thereafter, the development shall progress in accordance with such details as may be approved.
3. 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.
4. 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.
5. That prior to the commencement of the development, hereby approved, full details of the site's surface water drainage system, including the discharge rate, basin capacity, other temporary storage capacity, water quality treatment measures and post development flood flow paths shall be submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

6. 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 surface water drainage system to manage and treat runoff at the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). 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.
7. That prior to the commencement of the development hereby approved, the developer shall provide full details of the low and zero carbon generating technologies to be used in the development for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, at least 10% of the current carbon emission reduction targets set by Scottish Building Standards shall be met through the use of low or zero carbon generating technologies. Thereafter, the development shall progress in accordance with such details as may be approved.
8. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed acoustic barrier to be erected between the development and the Amer Sports warehouse for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the barrier shall be erected in accordance with such details as may be approved prior to the first occupation of the development and maintained in perpetuity unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
9. The internal noise level from road traffic during daytime hours (0700-2300 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 16-hour 35dB. In addition, the internal noise level from road traffic during night hours (2300-0700 hours) in any habitable room within any residential property to which this consent relates must not exceed LAeq 8-hour 30dB. If these levels cannot be achieved with an open window strategy, then alternative means of ventilation will require to be provided.
10. The rated noise level, as defined in BS4142, from any existing or consented commercial undertakings at the time of consent (excluding noise from fixed plant or equipment during night hours), must not exceed the background noise level by 5dB(A) or more at the curtilage of any of the proposed dwelling houses. For the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".
11. During night hours (2300-0700 hours) the noise from fixed plant and equipment associated with existing or consented commercial undertakings must not exceed the levels specified in NR 25 as detailed in BS8233 in any habitable room within any residential property to which this consent relates. Compliance with this condition must be met with windows open in a typical manner for ventilation. For

the avoidance of doubt, there will be no onus on any existing or consented legitimate commercial undertaking to modify, amend or curtail their existing procedures or working arrangements and responsibility for ensuring any occupier of any of the consented dwellings is not subjected to a statutory noise or dust nuisance in terms of Section 79 of the Environmental Protection Act 1990 rests with the developer as the "agent of change".

12. That prior to the commencement of the development, the applicants shall finalise the ground investigation report submitted in support of the application by JPB Reference Number VG190-18/SAG/MAK Draft Issue and dated December 2021 and submit a Remediation Strategy. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.
13. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
14. The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

4. 22/00135/PPPM: Site To North East, South East, And East Of Nethermill 59 Knoxville Road, Kilbirnie

Chatham House Equities Limited, have applied for planning permission in principle for a residential development of 62 houses to include the upgrading of Knoxville Road, the provision of open space, SuDS infrastructure and realignment of cycle path (NCN 7) at the site to the north east, south east, and east of Nethermill, 59 Knoxville Road, Kilbirnie. Seven letters of objection and one letter of support were received and summarised in the report.

Councillor Robertson, seconded by Councillor McTiernan, moved that the application be granted, subject to conditions. There being no amendment, the motion was declared carried.

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

1. That prior to the commencement of the development hereby approved, full details of the development shall be provided via either a Matters Specified in Condition Application or a full Planning Application for the approval of North

Ayrshire Council as Planning Authority. Such an application shall include details of:

- (i) Layout, house number, house types, siting and design,
 - (ii) Landscaping and boundary treatments,
 - (iii) Access, road layout and parking,
 - (iv) Drainage and flood prevention, and
 - (v) Low and zero carbon generating technologies
2. That any application(s) submitted under Condition 1 shall include details of the condition of the existing water wheel and, if feasible, plans provided for its retention/salvage and incorporation into the proposed housing development as a piece of public art or heritage feature.
 3. That the road layout for any future Matters Specified in Condition Application or full Planning Application shall accord with the requirements of 'Designing Streets'. A Transport Statement shall be submitted in support of any future application. Full details of the upgrading works to Knoxville Road and the realignment of the NCN7 core path shall be provided and approved in writing by North Ayrshire Council as Planning Authority prior to the commencement of the development.
 4. That any application(s) submitted under Condition 1 shall include a detailed flood risk assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which details a suitable culvert design and route, without 90-degree bends supported by catchment flow information and blockage scenarios for the 0.5% AEP flood event which demonstrates that the final drain route and design will not pose a flood risk to proposed and existing development. For the avoidance of doubt no buildings can be located on top of the culvert route.
 5. That any application(s) submitted under Condition 1 shall include, full details of any modification of the existing Mill Lade within the site is submitted for the agreement of North Ayrshire Council as Planning Authority. Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
 6. That any application(s) submitted under Condition1 shall include confirmation in writing and certified by a suitably qualified person that a surface water drainage system to manage and treat runoff affecting the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). 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.
 7. That any application(s) submitted under Condition 1 shall include full details of the ground levels and finished floor levels of the proposed dwellinghouses shall be submitted for the agreement of North Ayrshire Council as Planning Authority. The details shall demonstrate that the proposed dwellings are not at risk of

surface water flooding when the capacity of the proposed surface water infrastructure is exceeded during the 1 in 200 year designed storm event (plus allowances for climate change and urban creep). Thereafter the agreed details shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That any application(s) submitted under Condition 1 shall include a desk study of the application site (including a review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority.
9. If there is a requirement to re-use site won material and/or to import material, then the assessment criteria and sampling frequency that would adequately demonstrate its suitability for use shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any material being used. In addition to this and in accordance with BS38882:2015 and BS8601:2013, material to be used in the top 300mm shall be free from metals, plastic, wood, glass, tarmac, paper and odours. On completion of the works and at a time or phasing agreed by the Planning Authority, the developer shall submit a verification report containing details of the source material and appropriate test results to demonstrate its suitability for use.
10. Any cut and fill proposals or alterations to the existing ground levels should be clearly marked on any plans and accompanied by appropriate cross sections, Material Management Plan and be implemented in accordance with any SEPA waste/soil reuse guidelines, to the satisfaction of North Ayrshire Council as Planning Authority.
11. That any application(s) submitted under Condition 1 shall include details demonstrating that the increase in road traffic generated as a result of the development shall not have a detrimental impact on the local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure, to the satisfaction of North Ayrshire Council as Planning Authority.
12. That any application(s) submitted under Condition 1 shall include details of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant.
13. That any application(s) submitted under Condition 1 shall include details of;
 - (i) a scheme of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, that have

been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

5. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site To North Of 4 Greenhead Holding, Stevenston

To seek approval to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act requiring cessation of the use of the land for the siting of a caravan at a site to the North of 4 Greenhead Holding, Stevenston, which would include removal of a caravan from the land.

The report noted that the site was a small agricultural unit, previously known as Hillside Nursery. There was already a caravan on the site which was investigated in 2018 and found to be immune from Planning control by virtue of having been sited for more than 10 years. The caravan was being used for comfort for those working on site and was not lived in.

A second caravan was noted to have been placed on site in 2021. The owner of the site had not responded to any requests for information regarding the second caravan. The second caravan was not considered to be required ancillary development for an existing rural business. There was no support under the adopted Local Development Plan (LDP) for the siting of a caravan in this location for residential purposes. The second caravan was considered contrary to the policies of the LDP and there were no material considerations to the contrary.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997, requiring the cessation of the use of the land for the siting of a caravan and the removal of the caravan, as identified in the attached plan, and any associated structures, within 6 weeks of the date of the Notice taking effect.

The meeting ended at 2.45 p.m.

NORTH AYRSHIRE COUNCIL

Planning Committee

Locality	Three Towns
Reference	22/00420/PPM
Application Registered	10th June 2022
Decision Due	10th October 2022
Ward	Saltcoats And Stevenston

Recommendation	Approved subject to Conditions
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Location	Site To North Of St Andrews Court Saltcoats Ayrshire
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Applicant	Persimmon Homes And Land Partners (Scotland) Limited
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Proposal	Erection of 99 dwelling houses
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1. Description

The application site is a 3.4ha greenfield site to the north of Saltcoats. It is located to the north of existing residential areas at St Andrews Court/Clytus Court/Betsy Miller Wynd and to the west of the previous phase of the Sharpill housing development which is currently under construction. To the north and west of the site are open agricultural fields. The site is open in character with gentle slopes and the site is bisected diagonally by a hedgerow which follows the line of a field drainage ditch.

It is proposed to erect a residential development comprising of 99 units and associated infrastructure on the site. The proposed layout would feature two points of vehicular access, one from Sharpill Phase 2C to the east and one from Braga Gardens to the south. In addition, there would be a road link provided for a potential future development to the west. Internally, the road layout would consist of a main east-west through road with a secondary residential street to the north. The existing field drainage ditch would be diverted to the north of the site. A SuDs basin would be located in the western corner of the site along with a pumping station. A small area of open space would be provided in the eastern portion of the site.

Sixteen different house types are proposed. The development would be made up of detached, semi-detached, and terraced houses with 2-4 bedrooms. All houses would be two storeys (with some having additional living space in the attic) would feature a gabled roof design. Finishing materials would be facing brick, render and concrete roof tiles. Some houses would be full brick whereas others would be half brick half render. Some house types would feature integral garages. All houses would feature photovoltaic panels on the roof.

In the adopted Local Development Plan (LDP) the site lies within a General Urban Area allocation. The following policies would apply to the development:

- The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy;
- Strategic Policy 2: Placemaking;
- Policy 1: New Homes and Maintaining an Effective Housing Land Supply;
- Policy 22: Water Environment Quality;
- Policy 23: Flood Risk Management;
- Policy 27: Sustainable Transport and Active Travel;
- Policy 29: Energy Infrastructure Developments; and
- Policy 31: Future Proofing for Heat Networks.

Planning Permission in Principle for a mixed-use development including residential at Sharphill was granted subject to conditions 18th March 2015 (ref: 14/00626/PPPM). Since then, approval of some matters specified in those conditions has been granted. On the 2nd of March 2017, permission for the construction of a distributor access road through the site was approved as Phase 1 of the development (ref: 16/01232/MSCM).

In December 2018, a Matters Specified in Condition application was approved for the erection of 95 dwellinghouses on the site to the north Of Meikelaught Place and west of Windmill Wynd (18/00940/MSCM). This constitutes Phase 2A of the development. Also approved in December 2018 was Phase 2B which consist of the erection 76 dwellinghouses for social rent to the east of Phase 2A and south of the Sharphill industrial estate (18/00934/MSCM). Phase 2C of the development was approved in May 2021 and consist of a further 41 houses (21/00074/PP). Phases 2A, 2B have been mostly completed and phase 2C is currently under construction.

The current application site lies outwith the site of the approved Planning Permission in Principle for Sharphill (14/00626/PPPM), however, it makes up part of the larger Sharphill site and is designated in the LDP as 'West of Sharphill'. The applicant submitted the Proposal of Application Notice (PAN) in February 2022 (22/00086/PREAPM). The applicant has also submitted an Environmental Impact Assessment (EIA) Screening Opinion (22/00452/EIA). The Council has confirmed that an EIA is not required. The applicant signed a Processing Agreement with The Council on the 10th June 2022.

Since the original submission, the Case Officer has secured design improvements to the layout to reorientate a number of the houses so that they would face onto the street. The vehicle link to Barga Gardens has also been confirmed. A request to create an additional vehicle or pedestrian link to the north in the interest of future planning was not achieved as the entire length of the northern boundary of the site is occupied by the diverted drainage ditch or steep topography.

Supporting Information:

Design and Access Statement:

The primary vehicle route will run through the development and link with the Phase 2C to the east as well as providing a link to a future development to the west. The re-routed drainage channel has been incorporated into the open space strategy for the development. The proposed house types are in-keeping with the existing housing being built at Sharphill. It is considered that the proposed development accords with the relevant LDP policies as well as with Designing Streets and Designing Places.

Pre-Application Consultation Report:

An advert was placed in the Ardrossan and Saltcoats Herald on the 23rd March 2022 to advertise the online public consultation event which was held on the 14th of April. A website was created to display information about the proposed development. There is not an active Community Council in Saltcoats. A copy of the Pan was sent to all local councillors in the Saltcoats ward. The online event was attended by 2 people. No comments were received.

Air Quality Impact Assessment:

The site is not located within an Air Quality Management Area. It is concluded that the qualitative phase dust risk assessment demonstrates that the potential effects for air quality at sensitive receptors are not considered to be significant and that a detailed Air Quality Impact Assessment is not required.

Ecological Report:

The habitats on the site include scattered scrub, broadleaved parkland/scattered trees, semi-improved natural grassland, improved grassland and eutrophic running water. No evidence of protected species or habitats were recorded during the survey. Five nests were found in the scattered trees on the perimeter of the fields two of which were determined to be active. If work is undertaken during the bird nesting season only sections of the site more than 10m in distance from the active nests should be allowed to be developed. It is recommended that a bird breeding survey is undertaken to determine which nests are active. If any trees are scheduled to be felled it is advised that a preliminary roost assessment is undertaken to determine if any bat roosts are present.

Flood Risk Assessment:

The closest watercourse is the Stanley Burn approx. 600m to the west of the site. The site is not at risk of fluvial flooding from this watercourse. There are a number of land drains that run through or near the site, the largest being one running along the western boundary. A minor drain runs diagonally through the site along a hedgerow. There should be no development within 3m of the drain along the western edge of the site.

Site Investigation Report:

The site is not located in an area of known mining activity and no records of coal mining have been found. The site has been occupied by agricultural land throughout its history and therefore it is not considered likely that there is any significant chemical contamination. No invasive plant species were found.

Transport Assessment:

The proposed development would tie in with the existing footpath network. It is located 850m from the nearest shop and 650m from the nearest primary school. The development is located within 1,600m of local facilities and amenities and is therefore considered in accordance with transport planning policy. There are no dedicated cycle routes around the

development. The nearest bus stops to the proposed development are on Burns Avenue near Fleming Crescent (approx. 400m from the site) which provides a link to Saltcoats town centre and Stevenston. Both Saltcoats and Ardrossan South beach railway stations are located approx. 2,500m from the site (approx. 30 mins walk). Traffic surveys were carried out on nearby junctions. The junctions would operate efficiently within their capacity with the addition of the traffic from the proposed development.

Relevant Development Plan Policies

SP1 - Towns and Villages Objective Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.
- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
 - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
 - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Detailed Policy 1 -New Homes/Land Supply Policy 1:

New Homes and Maintaining an Effective Housing Land Supply

In principle we will support and promote residential development of the 51 effective housing supply sites shown in Schedules 2a and 2b. We will protect them by resisting alternative development, including significant reductions in capacity which would undermine our ability to confirm an ongoing 5-year land supply.

In principle, we will also support and promote residential development of our 27 long-term housing sites shown in schedule 3. In particular, but not limited to, where they would contribute to our ongoing 5-year effective land supply.

Notwithstanding the above, we will support ancillary development for a range of accommodating and integrated uses including locally important community, leisure, and other employment uses like shops, banks, cafes, workshops, garages, and small offices within these sites where they would not negatively impact upon our ability to maintain an effective 5 year housing land supply.

We will monitor the delivery of new homes in North Ayrshire through a housing land audit to ensure the maintenance of an effective five-year supply of land for housing. Where we identify and confirm a shortfall we will consider innovative approaches to enable development in the first instance. We will only support new housing proposals where they would help us achieve the vision, for example by aligning with the principles of the spatial strategy and being compliant with other aspects of the plan particularly by way of impact on committed infrastructure and the environment.

Detailed Policy 22 - Water Environment Quality

Policy 22:

Water Environment Quality

Proposals for additional cemetery provision to meet identified needs within our locality areas of Irvine, Kilwinning, Arran, North Coast, Three Towns and Garnock Valley will be supported where unacceptable environmental and amenity impacts are avoided. Groundwater assessments may be required to support proposals with mitigation measures identified and agreed where necessary.

We will support development that helps achieve the objectives of the Water Framework Directive and the River Basin Management Plan for Scotland. Generally, development which would lead to the deterioration of the water environment will be resisted unless it would deliver significant social, environmental or economic benefits.

Development will be required to ensure no unacceptable adverse impact on the water environment by:

- a) Protecting and enhancing the ecological status and riparian habitat, natural heritage, landscape values and physical characteristics of water bodies (including biodiversity and geodiversity);
- b) Protecting and enhancing existing flood plains; protecting opportunities for public access to and recreation and enjoyment on and around lochs, rivers, burns, wetlands and the coastal marine area; and
- c) Having regard to any designated Bathing Waters. Where engineering works are required in or near water bodies, there will be a presumption in favour of soft engineering techniques and against the culverting of watercourses, unless there is no suitable alternative. Proposals for culverting of watercourses for land gain may only be justified if the applicant can demonstrate that:
 - o No other practical option exists that would allow the watercourse to remain open; and
 - o The proposed development is of over-riding public interest.

We support connection to public sewerage systems in the first instance but recognise that wastewater solutions must be affordable and delivered at the most appropriate scale and that in many cases septic tank systems can be the most sensible solution for a household or small community (this also might be bespoke for our island communities). We will consider the cumulative impact of such solutions and support a preference for community solutions.

Development should ensure that appropriately sized buffer strips are maintained between the built and water environments.

Indicative Width of watercourse (top of bank)	Indicative Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
15-15m	12-20m
15m+	20m+

Detailed Policy 23-Flood Risk Management

Policy 23:

Flood Risk Management

We will support development that demonstrates accordance with the Flood Risk Framework as defined in Scottish Planning Policy and shown in schedule 7, relevant flood risk management strategies and local flood risk management plans. We will also support schemes to manage flood risk, for instance through natural flood management, managed coastal realignment, wetland or green infrastructure creation.

Generally, development should avoid locations of flood risk and should not lead to a significant increase in the flood risk elsewhere. Land raising and elevated buildings will only be supported in exceptional circumstances, where it is shown to have a neutral or better impact on flood risk outside the raised area.

Development proposals should:

- o Clearly set out measures to protect against, and manage, flood risk.
- o Include sustainable urban drainage systems (SuDS) where surface water is proposed to be discharged to the water environment, in accordance with the Water Environment (Controlled Activities) (Scotland) Regulations 2011 as amended.

- o Include provision of temporary/construction phase SuDS.
- o include appropriate long-term maintenance arrangements.
- o Be supported by an appropriate flood risk assessment where at risk of flooding from any source in medium to high risk areas and for developments in low to medium risk areas identified in the risk framework (schedule 7).
- o Take account of SEPA's flood risk and land use vulnerability guidance (2018) and any relevant updates to, or replacements of this guidance.

Detailed Policy 27

Sustainable Transport and Active Travel

We will support development that:

contributes to an integrated transport network that supports long term sustainability

- o reduces inequality by improving the accessibility and connectivity of employment opportunities and local amenities
- o provides safe and convenient sustainable transport options and supports modal shift to sustainable transport and active travel.
- o reduces the need to travel or appropriately mitigates adverse impacts of significant traffic generation, road safety and air quality, including taking into account the cumulative impact.
- o takes a design-led, collaborative approach to street design to provide safe and convenient opportunities for integrated sustainable travel in the following order of priority: pedestrians, people on cycles, people using collective transport (buses, trains etc.) and people using private transport.
- o considers the potential requirements of other infrastructure providers, including designing for the potential development of district heat networks by for example incorporating access points into the transport network to allow for future pipe development or creating channels underneath the road/infrastructure to enable pipe development with minimal disruption to the networks.
- o enables the integration of transport modes and facilitates movement of freight by rail or water (in preference to road). This would include, for example, the provision of infrastructure necessary to support positive change in transport technologies, such as charging points for electric vehicles and the safeguarding of disused railway lines with the reasonable prospect of being used as rail, tram, bus rapid transit or active travel routes.
- o considers the impact on, and seeks to reduce risk to level crossings, including those located within Ardrossan, Stevenston and Gables.

Proposals are expected to include an indication of how new infrastructure or services are to be delivered and phased, and how and by whom any developer contributions will be made.

We will take account of:

- o the implications of development proposals on traffic, patterns of travel and road safety.
- o Significant traffic generating uses should be sited at locations that are well served by public transport, subject to parking restraint policies, and supported by measures to promote the availability of high-quality public transport services. Where this is not achievable, we may seek the provision of subsidised services until a sustainable service is achievable.

- o the potential vehicle speeds and level of infrastructure provided for the expected numbers of trips by all modes.
- o the relationship between land use and transport and particularly the capacity of the existing transport network, environmental and operational constraints, and proposed or committed transport projects.
- o committed and proposed projects for the enhancement of North Ayrshire's transport infrastructure, including improved park and ride provision.
- o specific locational needs of rural communities. We recognise that in rural areas we need to be realistic about the likely viability of public transport services and innovative solutions such as demand-responsive public transport and small scale park and ride facilities at nodes on rural bus corridors will be considered.
- o The Council's adopted Local Transport Strategy, Core Paths Plan, Town Centre Parking Strategy and parking requirements.
- o The need to mitigate and adapt to climate change with regard to the Climate Change (Scotland) Act 2009.
- o The provision of new and improved links to existing and proposed active travel routes which are integrated with the wider strategic network, including the National Walking and Cycling Network, core paths and the Ayrshire Coastal Path.

Developments likely to generate significant additional journeys will be required to be accompanied by a Transport Assessment, Air Quality Assessment and a Travel Plan. A Transport Statement will be required for smaller scale developments that will not have a major impact on the transport network, but are still likely to have an impact at a local level on the immediate transport network.

National Development:

The National Walking and Cycling Network (NWCN) was designated as a national development within the National Planning Framework (NPF3). This is an ambitious project which aims to grow Scotland's network of paths from 6,000 to 8,000 km by 2035. Key routes in North Ayrshire which will contribute to this network are detailed below. These are being developed in partnership with Sustrans and Scottish Natural Heritage as lead organisations for the delivery of the NWCN.

These include the development of an off-road alignment for:

- o National Cycle Network (NCN) Route 73 (North) between Brodick and Corrie on the Isle of Arran
- o NCN Route 753 between Skelmorlie and Ardrossan
- o While not explicitly referenced in NPF3, support will be given to development of an off-road alignment for NCN Route 7 between Kilwinning and Kilbirnie.

Detailed Policy 29 - Energy Infrastructure Development

Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings

2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

Detailed Policy 31 - Future Proofing for Policy 31:

Future Proofing for Heat Networks

We will support proposals for the creation or enhancement of district heat networks in as many locations as possible in North Ayrshire (even where they are initially reliant on carbon-based fuels if there is potential to convert them to run on renewable or low carbon sources of heat in the future).

We will seek to identify and safeguard existing and future heat network generation and distribution infrastructure, including pipeworks and pipework within, and to the curtilage of, new developments.

Proposals for development that constitute a significant heat source or substantial development* which would not result in the creation or enhancement of district heat networks should include:

- i) provision for on-site heat recovery and re-use infrastructure; or
- ii) a heat network generation and distribution infrastructure plan (a district heating plan), taking into account the potential to connect to future heat demand sites; or
- iii) demonstrable evidence that district heating or other forms of renewable generation storage have been explored but are not feasible for technical (proximity, geography, safety etc) or economic reasons.

* 'Substantial' developments consist of urban extensions, large regeneration areas or large development sites subject to master planning or large mixed use developments and major sites (50 residential units and above). There is, however, an element of judgment that will need to be applied here and it might be that some other locations offer significant potential for heat networks due to their local context, support from the local authority, and 'buy in' from developers.

2. Consultations and Representations

Neighbour notification was undertaken, and the application was advertised in the local press. Seven letters of objection have been received; the points raised in which are summarised below:

1. The proposed properties on the southern boundary would overlook the existing properties to the south along St Andrews Court, Clytus Court and Betsy Miller Wynd which would result in loss of privacy for the existing properties. These properties should be reoriented 45

degrees and additional screening provided in the form of hedges and trees along the boundary line.

Response: The proposed dwellinghouses close to the southern boundary of the site are oriented to face the road to the north which is considered optimal from a place-making perspective, and it would not be considered acceptable to re-orient them so that they were not facing the road. The closest properties at plots 10-21 have a back garden length of a minimum of approx. 8.5m. The closest distance between the rear elevations of the houses on St Andrews Court and the rear elevations of the proposed houses is approx. 17m, which is considered to be an acceptable separation distance for a suburban location, and it is not considered that the proposed dwellinghouses close to the southern boundary would lead to significant loss of privacy for the existing houses to the south. Sectional drawings have been provided indicating the proposed levels to these houses. It is not considered that any additional screening would be required.

2. The proposed development would result in the loss of natural habitat and the site contains a range of habitats and species. Additional hedges, trees and wildflower areas should be provided within the site should the application be approved. No open space is proposed in the layout.

Response: The site has been allocated as a housing site in the LDP. The applicant has provided an Ecological Report which finds no evidence of protected species or habitats. A condition requiring a landscaping scheme could be attached to any permission which may be forthcoming in order to ensure that a suitable level of planting is undertaken. A small area of open space is provided within the development site. The site is located on the edge of Saltcoats, and it is considered that there is sufficient access to green and amenity spaces.

3. The proposed access from Barga Gardens would increase noise, pollution and create road safety issues for the existing properties on Barga Gardens.

Response: It is not considered that the Barga Gardens vehicular link would result in significant additional noise, pollution or road safety issues. The link would be a secondary route and the majority of the traffic would utilise the main east/west route through the site. The Barga Gardens link is considered important in the interest of integrating the development in with the existing road network and making the development easy to move around and beyond.

4. The proposed pumping station could lead to additional noise and odours affecting the existing nearby dwellinghouses.

Response: The applicant has confirmed that the pumping station would not result in any significant noise. North Ayrshire Council (NAC) Environmental Health was consulted and did not object to the pumping station on noise or smell grounds, subject to a Planning condition.

5. The scale of the proposed development is excessive.

Response: The application site makes up approximately half of the 'West of Sharpill' long-term housing site which has an indicative capacity of 200 units. The proposed development would have 99 units. The proposed development would have a density of approx. 29 dwellings per hectare which is considered suitable for a suburban development.

6. The proposed development would have a negative impact on property prices in the surrounding area.

Response: This is not a material Planning consideration.

Consultations:

NAC Active Travel and Transportation: No objections. Further discussions with NAC Flooding will be required with relation to the diverted drainage ditch. The impact of the potential vehicle link with Barga Gardens should be discussed with Active Travel and Transportation.

Response: Such discussions between the applicant and NAC Flooding have taken place, and NAC Flooding have confirmed that they do not object to the proposal. The vehicle link to Barga Garden has been secured by Planning and is considered necessary in the interest of placemaking and creating a neighbourhood that is easy to move around and beyond. Full details of this vehicular link can be secured via condition. The details of the road design can also be finalised during the Road Construction Consent.

NAC Environmental Health: No objections, subject to conditions relating to a Remediation Strategy, Construction Environmental Management Plan and noise from the pumping station.

Response: Noted, such conditions could be attached to any Planning Permission which may be forthcoming.

NAC Flooding: Initially objected due to the proposal to drain surface water into the field ditch to the west of the site. This ditch has experience flooding events in the past. The applicant has confirmed that works will be undertaken to the ditch downstream of the proposed SuDS basin to address the flooding concerns which will act to reduce flow within the downstream ditch compared to current conditions. Therefore, NAC Flooding has removed the objection, subject to conditions.

Response: Noted, such conditions could be attached to any Planning Permission which may be forthcoming.

Scottish Environmental Protection Agency (SEPA): Initially objected on the basis on a lack of information with regards to flood risk. Following the submission of additional information by the applicant's flooding consultants, SEPA has removed the objection.

Response: Noted.

NAC Education: Modelling shows sufficient capacity at the local schools to accommodate the number of additional children expected.

Response: Noted.

Scottish Water: No objections.

Response: Noted.

West of Scotland Archaeological Service (WOSAS): No objections subject to a condition requiring a scheme of archaeological works to be undertaken.

Response: Noted, such a condition could be attached to any Planning Permission which may be forthcoming.

3. Analysis

The Towns and Villages Objective of Strategic Policy 1: Spatial Strategy of the LDP states that within areas designated as General Urban Area, proposals for residential development will accord with the LDP in principle, and that applications will be assessed against the relevant policies of the LDP.

Policy 1: New Homes and Maintaining an Effective Housing Land Supply, of the LDP, states that we will in principle support and promote residential development of the 51 effective housing supply sites identified in Schedule 2a and 2b of the LDP. It goes on to state that we will in principle support and promote residential development of our 27 long-term housing sites shown in Schedule 3 of the LDP. The application site makes up part of the 'West of Sharphill' long-term housing site shown in Schedule 3 of the LDP, with an indicative capacity of 200 units. The site is therefore considered to be an acceptable location in principle for a residential development. As the application site makes up just under half of the area of the allocated housing site and has just under half of the indicative capacity it is considered that the proposed development is of an appropriate density. The applicant has advised of plans to progress the second section of the West of Sharphill site in the near future. The proposal accords with Policy 1.

Strategic Policy 2: Placemaking, of the LDP, states that proposals should accord with the qualities of successful places outlined within the policy. The proposed development incorporates sixteen house types including terraces, semi-detached and detached houses. All the houses are two storeys with gabled roof designs. Earlier phases of Sharphill (2B and 2C) feature the same house types and the existing housing development to the south also features very similar houses both in terms of style and finishing materials. It is therefore considered that the proposed development would be in-keeping with the character of the neighbourhood. It is considered appropriate to attach a condition which would require further details with regards to the external finishes to ensure the final choice of materials is appropriate for the locality and contains enough variety to provide visual interest.

The layout of the development would primarily feature straight and legible streets, however, the eastern part of the site has a more fragmented layout due to the diverted drainage ditch. Improvements to the layout were secured by the case officer to ensure that the majority of the houses face onto the street which would create attractive and enclosed streetscapes. The layout would be well connected to the surrounding area with vehicle links to the south and east tying-in with existing developments and a future road link to the remainder of the allocated housing site to west being provided. As described previously, the case officer recommended a link be provided to the unallocated countryside to the north in the interest of future planning, however, this was not possible due to site constraints. Overall, it is considered that the internal layout is comprehensible, and that the development would be easy to move around and beyond.

An area of open space would be provided in the eastern part of the site and the SuDs basin would be located in the western part. The development is on the edge of Saltcoats and benefits from access to plenty of open space. The nearest playground is at Allan Gardens approx. 200m to the south of the site and accessible via a pedestrian footpath. All houses within the development would have private rear gardens enclosed by 1.8m high timber fences and front gardens would be open in character. Further details of landscaping are required and could be ensured via condition.

The layout of the site has been designed in order to ensure that the houses do not have their privacy or access to daylight affected through overlooking or overshadowing from other properties. There is a change in levels throughout the site and experience with the previous phases has shown that ground works may be required to create level development platforms which could lead to amenity issues. It is therefore considered necessary to attach a condition requiring details of any ground works/cut and fill exercises to be undertaken. Sufficient separation has been provided with the existing houses to the south to ensure that there would be no significant loss of privacy for any existing properties. All houses have been provided with two parking spaces, the majority of which are located in-curtilage. Visitor parking is spread evenly throughout the site. In conclusion, the proposed development meets with the qualities of successful places and therefore accords with Strategic Policy 2: Placemaking.

Policy 22 of the LDP states that development will be required to ensure no unacceptable adverse impact on the water environment. Development should ensure that appropriately sized buffer strips are maintained between the built and water environments. Related to this issue is Policy 23, which deals with flood risk management. Taking both of these policies together, there is an existing drainage ditch which bisects the site and a further drainage ditch along the western boundary. Discussions have taken place between the applicant, NAC Flooding and SEPA with regards to the drainage proposals which involve diverting the drainage ditch which runs through the site and discharging the surface water run off via the detention basin into the existing field ditch to the west of the site. Works will be undertaken to the field ditch downstream of the site to prevent flooding. While this area falls outwith the application site, it is within land controlled by the applicant and the flood prevention works can therefore be addressed via condition. As highlighted previously in this report, following these discussions, NAC Flooding and SEPA have both withdrawn their objections to the proposed development.

With regards to foul water, a pumping station would be provided adjacent to the SuDs basin. The only above ground component of the pumping station would be a kiosk measuring approx. 7sqm in area and 1.8m in height. The applicant has advised that the pumping station would not lead to significant noise or smells. NAC Environmental Health has indicated a Planning condition to limit noise from the pumping station. The proposed development accords with Policies 22 and 23 of the LDP.

Policy 27 relates to sustainable transport and active travel. The proposed development is located within easy walking distance of a primary school, shop, playpark and bus stop. The nearest train stations are approx. 30 minutes' walk away. However, given the site's peripheral location and allocation in the LDP, it is considered acceptable in this instance. Internally, the site is well laid out to minimise traffic speeds and create a pleasant pedestrian environment. The site layout makes use of the available connections to the neighbouring residential areas and thereby creates an integrated and walkable neighbourhood. Sufficient

levels of parking have been provided and visitor parking is spread evenly throughout the site. The development accords with Policy 27.

Policy 29: Energy Infrastructure Developments, requires that all proposals for new buildings demonstrate that at least 10% of the current carbon emission reduction targets set by Scottish Building Standards are met through the use of low or zero carbon generating technologies. All new homes would have photovoltaic roof panels installed and modern heating and insulation which would allow them to achieve this target. The proposed development accords with Policy 29.

Policy 31 relates to future proofing for heat networks. The proposed development would utilise modern building designs which would minimise the energy requirements for heating through modern insulation. The houses have been oriented to take advantage of solar gain where possible. The site is not considered to be a suitable candidate for a district heating system. The proposal accords with Policy 31.

In conclusion, the proposal is in accordance with all of the relevant policies of the LDP, and the development would entail the delivery of part of a housing site which has been identified and allocated as part of the local development plan process. Accordingly, the application is recommended for approval subject to the conditions referred to in this report.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That prior to the commencement of the development hereby approved, the developer shall provide full details of the proposed finishing materials for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

In order to ensure that the finishing materials are high quality and attractive; in the interest of the visual amenity of the area.

Condition

2. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.

Reason

In order to ensure that the site is appropriately landscaped, in the interest of amenity.

Condition

3. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

Reason

In order to ensure that the approved landscaping is carried out and maintained, in the interest of amenity

Condition

4. That prior to the commencement of the development, hereby approved, the developer shall provide a proposed topographical plan displaying full details of Finished Floor Levels, any ground works, cut and fill and site levelling for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved by North Ayrshire Council as Planning Authority.

Reason

In order to ensure that any changes to the ground levels do not result in overlooking or overshadowing of neighbouring properties. In the interest of amenity.

Condition

5. Site clearance or similar works shall not take place during the nesting bird period (March to August, inclusive). If works cannot be undertaken outside this period, then a breeding bird survey shall be undertaken to determine which nests are active, and no section of the site within 10m of an active nest shall be cleared until the bird nesting season is over. All to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure no nesting or breeding birds are impacted by the proposed development. In the interest of ecology.

Condition

6. If any trees are scheduled to be felled as part of the development, a Preliminary Roost Assessment shall be undertaken on the trees scheduled to be felled, and the results shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, if any remediation works are required, they shall be undertaken as agreed, in writing by North Ayrshire Council as Planning Authority.

Reason

In order to ensure no bats are impacted by the proposed development. In the interest of ecology.

Condition

7. That prior to any development commencing the applicant shall submit a Remediation Strategy for the written approval of North Ayrshire Council as Planning Authority as recommended the in the Ground Investigation Report by JPB June 2020, UG537-14/MAK. Thereafter, the development shall progress in accordance with the approved Remediation Strategy.

Reason

In the interest of public health.

Condition

8. That the applicant shall submit a Construction Environmental Management Plan (CEMP) for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any works, as recommended within the submitted Air Quality Impact Assessment report by ITP Energised, May 2022, Project No 5272. Thereafter, the development shall progress in accordance with the approved CEMP.

Reason

In the interest of public health.

Condition

9. The rated noise level, as defined in BS4142:2014 +A1:2019, from the operation of the proposed pumping station must not exceed the existing background noise level at the curtilage of any noise sensitive property, to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the pumping station does not cause a noise disturbance; in the interest of amenity.

Condition

10. That prior to the commencement of the development hereby approved, the full details of the proposed improvements or alterations to the existing ditches and the detail of the proposed ditch both within and outwith the application site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, this shall include details of culverts (road crossings) and a '1 in 200' year critical storm resilience check on the proposed drainage system, including identification and design of any necessary flood flow-paths, together with maintenance of these flow-paths. Thereafter, the approved details should be implemented prior to the completion of the development and maintained in perpetuity.

Reason

In the interest of flood risk management.

Condition

11. 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 North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of

archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

In order to ensure that any historic artifacts located on the site are suitably catalogued and preserved.

Condition

12. That prior to the commencement of the development hereby approved, the developer shall provide full details of the vehicular link to Barga Gardens for the written approval of North Ayrshire Council as Planning Authority. This shall include an updated Transportation Assessment which shall include a traffic impact analysis of the development including the Barga Gardens Road link. Thereafter, the development shall progress in accordance with such details as may be approved.

Reason

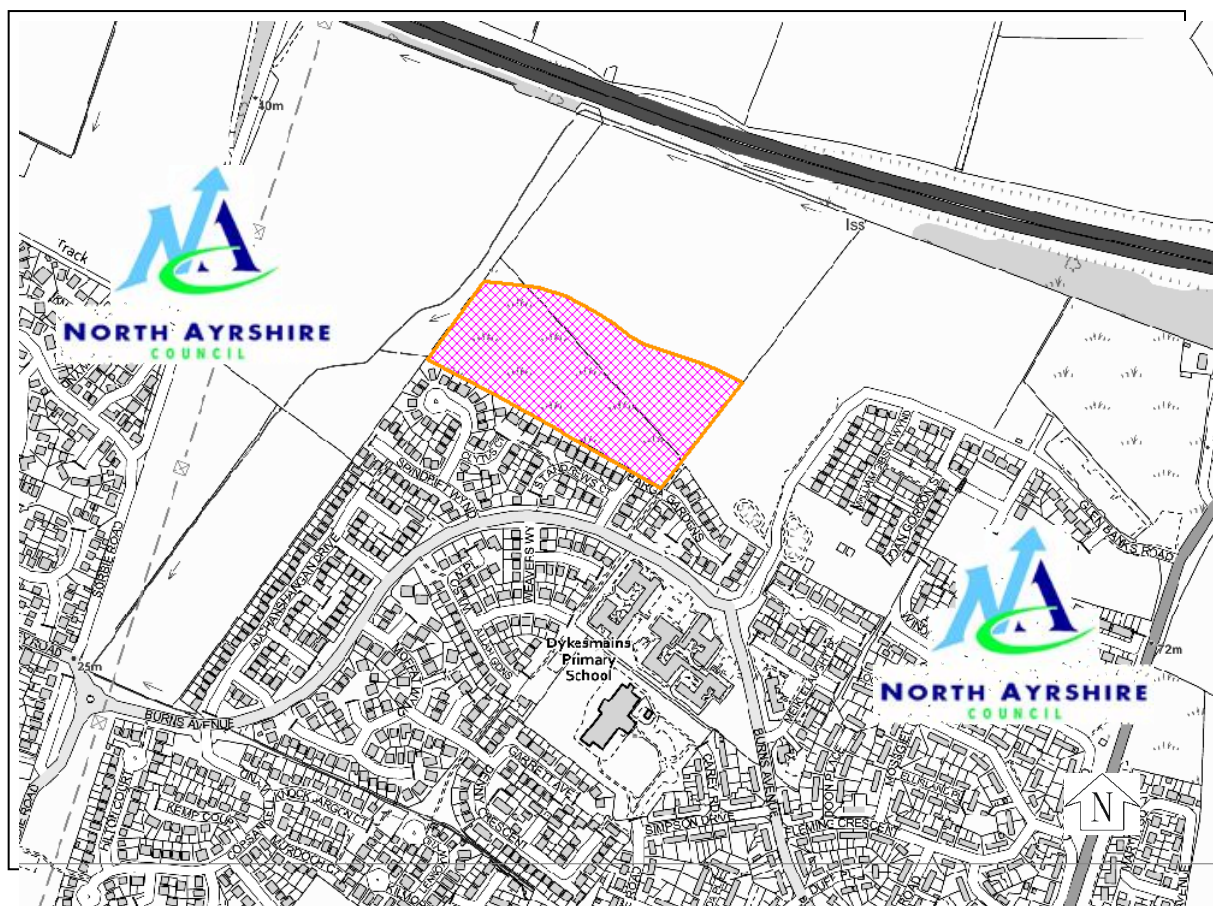
In the interest of road safety.

James Miller
Chief Planning Officer

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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Planning Committee

Title: **Grouping of Trees adjacent to Wildcat Road and Summerlea Road, West Kilbride**

Purpose: To seek authority to serve a Provisional Tree Preservation Order to protect a group of trees at Wildcat Road and Summerlea Road, West Kilbride

Recommendation: That the Council serves notice of a Tree Preservation Order (TPO) under S.160 Town and Country Planning (Scotland) Act 1997 and undertakes consultation with all relevant stakeholders.

1. Executive Summary

- 1.1 This report highlights and responds to concerns raised by stakeholders regarding the importance of a grouping of trees on the northern side of Summerlea Road and on both sides of the footpath known as Wildcat Road or Wildcat Lane, West Kilbride.
- 1.2 It is considered that the trees meet the criteria for a Tree Preservation Order (TPO), and it is recommended that a TPO is served in the interests of protecting public amenity.

2. Background

- 2.1 Concerns have been raised from members of the public and a Local Member that trees located in West Kilbride are under threat from proposed development. Those concerned are of the opinion that the trees contribute significantly to public amenity. The trees are located on the northern side of Summerlea Road and on both sides of the footpath known as Wildcat Road or Wildcat Lane. Those who raised concerns requested that an assessment be carried out to determine whether the grouping of trees should be subject to formal protection by a TPO.
- 2.2 The Council as the Planning Authority has the power under S.160 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006) to make an Order specifying any trees, groups of trees or woodlands in their district and providing for their preservation. The Council can exercise these powers providing it meets either or both of the following requirements:
 - (a) that it is expedient in the interests of amenity to make that provision,
 - (b) that the trees, groups of trees or woodlands are of cultural or historical significance.
- 2.3 It should be noted that under the legislation, a TPO cannot be served due to trees being at risk alone. The only two criteria in which a Planning Authority can create a

provision are the those stated above.

- 2.4 The legislation states that a TPO may, in particular, make provision—
- a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the planning authority, and for enabling that authority to give their consent subject to conditions;
 - b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2.5 The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010 outlines the procedures in which Planning Authorities can exercise their powers. If the Council serves a TPO, it is required to be confirmed within 6 months of the date of that notice. Within this time, all interested parties such as Landowners, Occupiers and Lessees must be notified and given a deadline to respond to the notice of no less than 28 days. The notice is required to be advertised locally in the relevant newspapers that serve the area.
- 2.6 The six-month period would allow Council to consult with stakeholders and gain direction from Committee on whether to confirm the TPO (or amend it) and put it in place in perpetuity.
- 2.7 It should be noted that a TPO does not provide absolute protection to all the trees on the site. Protection through a TPO places a requirement to obtain permission to cut down, top, lop, uproot trees from the Council. Should the removal or any other works to trees be part of any future planning permission, that permission would then supersede the TPO. Should a TPO be created, however, then it would be a material consideration in the determination of any planning application to which any trees are to be impacted.
- 2.8 Following a preliminary assessment of the trees, it is considered that the trees add to the Local Landscape Character. To determine whether it is expedient to create a TPO, it was considered appropriate to gain independent expert advice. The advice was also an opportunity to gain a fuller understanding of the contribution of the trees to public amenity.

Independent Report on the Suitability of a Tree Preservation Order

- 2.9 Following a procurement process, Informed Tree Services was appointed to undertake an independent survey on the suitability of a TPO. The brief instructed the analysis to how (if at all) the grouping of trees meets the criteria listed under S.160 of the Town and Country Planning (Scotland) Act 1997. The two criteria listed are:
- (a) that it is expedient in the interests of amenity to make that provision,
 - (b) that the trees, groups of trees or woodlands are of cultural or historical significance.
- 2.10 The findings of the Independent Report separate the grouping of trees into two

segments, referred to as compartments. These are made up of:

- Compartment 1 (approx. area 0.15 ha) - located to the immediate north of Summerlea Road,
- Compartment 2 (approx. area 0.4 ha)- located on either side of the footpath referred to as Wildcat Road or Wildcat Lane

- 2.11 The survey allowed detailed analysis of the contribution each of these grouping of trees make as opposed to a general survey of the area. Each compartment has been subject to analysis and the Report makes recommendations as to whether they are worthy of a TPO. A map showing each compartment can be found in appendix 2, attached to this paper. It should be noted that the area shown in the independent report is different from that shown in Appendix 1 and 2. The area shown in Appendix 1 and 2 is the proposed boundary for the TPO.
- 2.12 The trees were appraised in the week beginning 29th of August 2022 and have been assessed using nationally recognised systems entitled “The Evaluation Method for Preservation Orders” (TEMPO) (J. Forbes-Laird, 2006) to rate the appropriateness of the TPO and “Visual amenity valuation of trees and woodlands – The Helliwell system 2008” (R. Helliwell, 2008). The latter provides a comparative amenity value to the protected woodland. The TEMPO method has the following scoring categories:
- Do not apply TPO
 - TPO indefensible
 - Does not merit TPO
 - TPO defensible
 - Definitely merits a TPO

Findings and Recommendations

- 2.13 The report scores the compartments as follows:
- Compartment 1: A TPO would be defensible
 - Compartment 2: Definitely merits a TPO
- 2.14 Reasons for these scores include that both compartments 1 & 2 are classed as having “high desirability for retention” and scored highly on the TEMPO evaluation Method for Preservation Orders. This report also highlights the positive aspects of the woodland as being that it provides wildlife habitat opportunities, sequester carbon, provide shade and shelter, provide privacy/screening and enhance the landscape. The woodland is described as an established landscape feature that is viewed by many residential properties within the West Kilbride area.
- 2.15 The report details that compartment 1 is mainly made up of middle-aged and even-aged belt of multi-stemmed sycamore which are likely to have reached their maximum height.
- 2.16 Compartment 2 is described as a mature broadleaved riparian woodland belt with a mixture of species including Norway Maple, Sycamore, Horse Chestnut, Silver Birch, and Turkey Oak to name a few (the full list is contained in the report).
- 2.17 It is acknowledged that the advice scores compartment 1 lower than compartment 2. This separation is helpful as it broadens the understanding of the grouping. It is

considered that in this instance, as the two compartments have relatively high scoring, they can be assessed as a whole and worthy of protection under a single Tree Protection Order.

- 2.18 The report references the current application for residential development of the site and suggests that the current proposed development has an impact on the suitability of creating a TPO. It is considered that while the proposed development may impact the expediency of creating the order, the proposal should assess the trees on their own merit within their existing context.
- 2.19 It should be noted (see Para. 2.7) that if planning permission is granted, the permission would supersede any TPO created and does not mean that affected trees will be safeguarded in perpetuity. Should a TPO be created, anyone seeking to do works on any protected tree would then be required to seek the Council's permission.
- 2.20 The report also suggests that a TPO may not be required if any future planning consent is subject to carefully worded planning conditions. It is considered that this is not a desirable option.
- 2.21 An additional consideration is the existence of a core path on Wildcat Road. While not a key characteristic of the Core Path, trees can provide shelter and variety to the Core Path network, adding to the amenity value of the Path and therefore adding to the wider public interest.
- 2.22 At the time of assessment, there was little information regarding the historical or cultural significance of the trees. There is some anecdotal information regarding the use of Wildcat Road as a path is of historical and cultural significance but not attributing solely to the trees. Therefore, less attention was afforded to this criterion as part of the overall assessment as to the suitability of a Tree Protection Order.
- 2.23 Taking all the above into consideration, it is considered that the grouping of trees meets the criteria contained within S.160 of the Town and Country Planning (Scotland) Act 1997, insofar as (a) that it is expedient in the interests of amenity to make that provision.
- 2.24 Full details of the independent report with scoring can be found in Background Paper 1 of this report.

3.0 Proposals

- 3.1 It is proposed that the Council serves notice of a Tree Preservation Order in line with the recommendations of the independent report for both Compartments 1 and 2 as a single TPO with woodland classification.
- 3.2 It is proposed that the Council advertise the provisional TPO in local newspaper(s) and seek the views of stakeholders. Within 6 months of this notice, the Council will consider views expressed from stakeholders and make a recommendation to the Planning Committee on whether to confirm or amend the Order.

4 Implications/Socio-economic Duty

Financial

4.1 Costs associated with making can be met from existing budgets.

Human Resources

4.2 None.

Legal

4.3 Should a TPO be confirmed, the owners will be served with a notice meaning that any work to lop, chop or fell the trees or woodland will require permission of the Council. The TPO will be recorded in the appropriate Land Register.

Equality/Socio-economic

4.4 Assessments carried out highlight the impact on public amenity.

Climate Change and Carbon

4.5 Trees and other green infrastructure contribute positively to the areas ambition to reduce its contribution to climate change.

Key Priorities

4.6 The proposed TPO has the potential to contribute to the Council Plan's Inspiring Place Key Outcome. Trees and other green infrastructure contribute to the creation of welcoming, vibrant and attractive places. Trees can also help capture carbon emissions and reduce local pollution which would otherwise be released into the atmosphere.

Community Wealth Building

4.7 None.

Consultation

5.1 Consultation is required with landowners, occupiers and lessees and published in a local paper with at least 28 days given for response.

JAMES MILLER
CHIEF PLANNING OFFICER

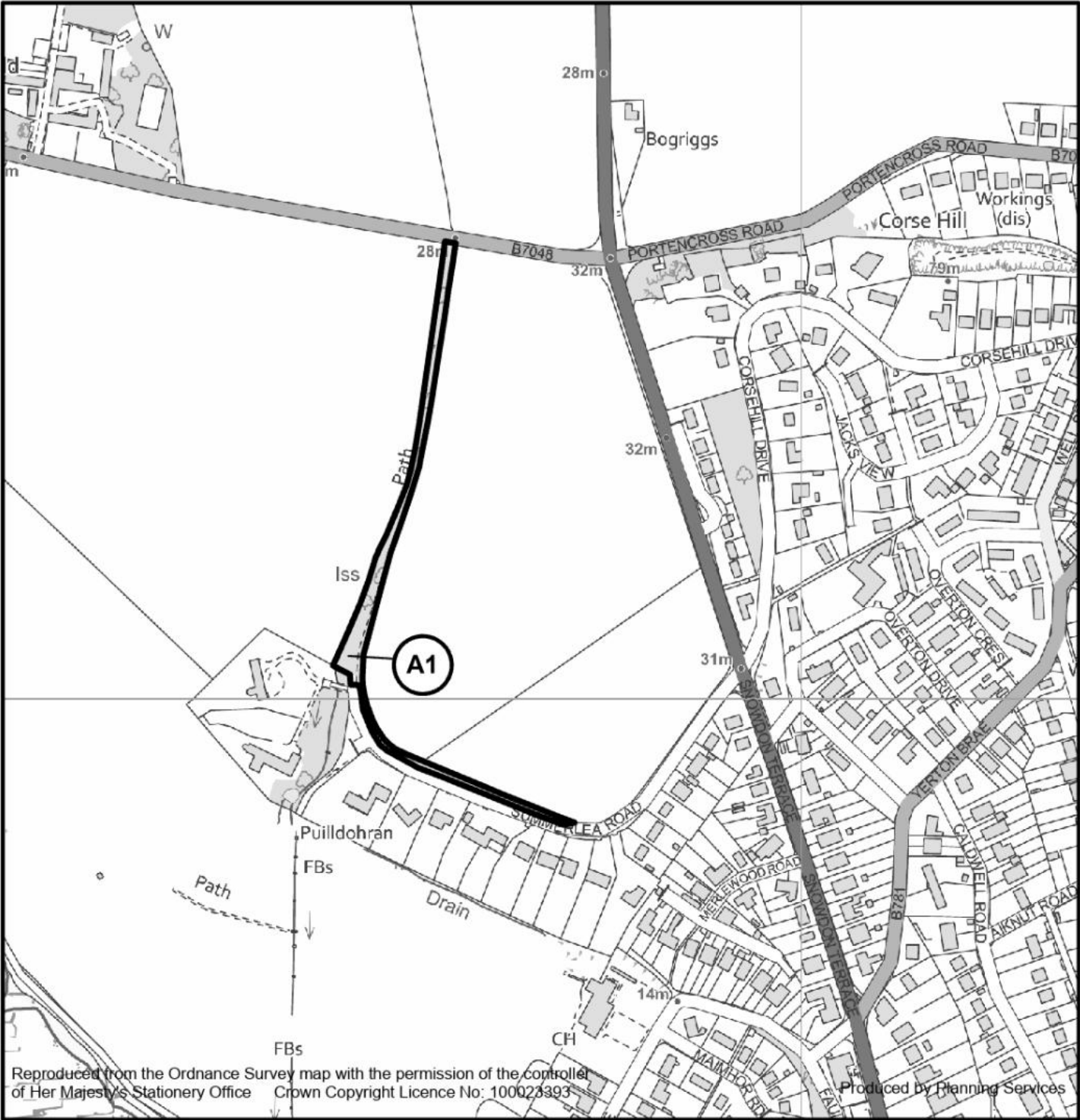
For further information please contact Thom Ledingham, Planning Officer on 01294 324 623


Background Papers

**1 - REPORT ON THE SUITABILITY OF A TREE PRESERVATION ORDER RELATING TO:
SUMMERLEA ROAD & WILDCAT ROAD, WEST KILBRIDE. KA23 9HP.**

TREE PRESERVATION ORDER
Summerlea Road and Wildcat Road

APPENDIX 1



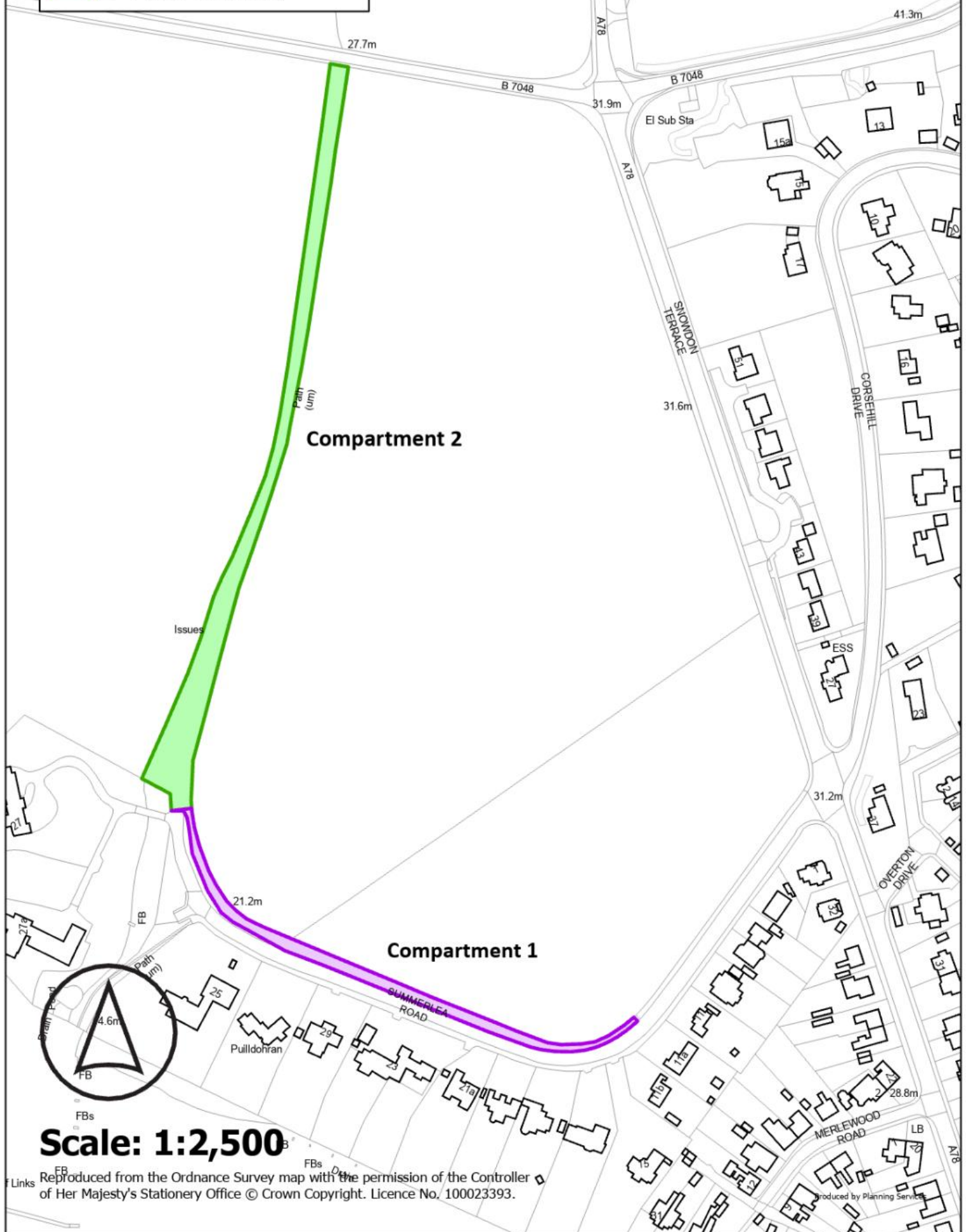
Address:	Summerlea Road & Wildcat Road West Kilbride	 Scale: 1:5000
Grid Ref:	NS 1966.4811	
Area:	A1 - 0.551Ha	
Description:	Mainly mixed deciduous mature trees	

APPENDIX 2

TPO Report Compartments

 1 - Area 0.147Ha

2 - Area 0.404Ha





**REPORT ON THE SUITABILITY
OF A TREE PRESERVATION ORDER
RELATING TO:
SUMMERLEA ROAD & WILDCAT ROAD,
WEST KILBRIDE.
KA23 9HP.**

Ref: NAC/TPO/03.09.22

Prepared at the request of:
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Signed: chris simpson

3rd of September 2022.

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1 INTRODUCTION & INSTRUCTIONS

- 1.1 Following communications received from Mr. Thom Ledingham, of North Ayrshire Council, during June 2022, a quotation to carry out an evaluation of the appropriateness of a tree preservation order (TPO) was provided. The quotation was accepted – official order number received on 22nd of July 2022.
- 1.2 Mr. Ledingham forwarded a site plan which clarified the area to be evaluated.¹
- 1.3 Mr. Ledingham also forwarded a plan of a nearby proposed residential development.² Please refer to annex 1.
- 1.4 It was agreed that Mr. Chris Simpson, of Informed Tree Services Ltd, would carry out an objective appraisal of the appropriateness of the TPO using the nationally recognised system “Tree evaluation method for preservation orders” (TEMPO) (Forbes-Laird J. 2006).
- 1.5 The appraisal was carried out on the 2nd of September 2022, with the aim of assessing the appropriateness of creating TPO.
- 1.6 The author also applied the “Visual amenity valuation of trees and woodlands – The Helliwell system 2008” (Helliwell R. 2008) to give a comparative “amenity” value to the woodland. The Helliwell System provides a financial value but is applied here purely to give a comparative amenity value.

¹ Potential TPO Map (JPEG)

² PH-SST-V-01 Rev V-Development Layout

2 **DECLARATION**

I, Christopher Brian Simpson, declare that:

- 2.1 I understand that my duty in providing this written report is to provide an objective, unbiased, opinion on the suitability of a potential tree preservation order. I understand that this duty overrides any obligation to the party who has commissioned me. I confirm that I have complied with that duty.
- 2.2 I believe the facts I have stated in this report are true and that the opinions I have expressed are correct.
- 2.3 I have set out in my report what I understand from those instructing me to be the issues in respect of which my opinion as an expert is required.
- 2.4 I have done my best in preparing this report to be accurate and complete, and I have mentioned all matters that I regard as relevant to the opinions I have expressed.
- 2.5 I have drawn attention in this report to all facts of which I am aware might affect my opinion.
- 2.6 I have not, without forming my own independent view, included or excluded in this report anything that has been suggested to me by anyone including those instructing me.
- 2.7 I will notify those instructing me if for any reason this report requires any correction or qualification.
- 2.8 I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 2.9 I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the findings of this report.

Signed: *chris simpson*

Date: 3rd of September 2022.

3 EXECUTIVE SUMMARY

- 3.1 North Ayrshire Council had been petitioned to apply a TPO to an area of woodland adjacent to Wildcat Road and Summerlea Road, West Kilbride, by Councillor Todd Ferguson, during July 2022.
- 3.2 Mr. Chris Simpson, of Informed Tree Services Ltd, was commissioned to objectively appraise the appropriateness of applying a TPO to the area of woodland. The appraisal was carried out on the 2nd of September 2022.
- 3.3 The “Tree Evaluation Method for Preservation Orders - 2006” (TEMPO) was adopted.
- 3.4 The TPO area displayed two distinct compartments and so each compartment has been evaluated individually. Results as follow:
- 3.5 Compartment 1: *“A TPO would be defensible”*.
- 3.6 Compartment 2: *“Definitely merits a TPO”*.
- 3.7 The “Visual amenity valuation of trees and woodlands – The Helliwell system” (2008) was also applied. The woodland (collectively) scored 243 points. Indicating a woodland of moderate to high amenity value.
- 3.8 If detailed planning consent is granted for a proposed residential development, to the immediate north and east of the compartments, then a woodland category TPO should be applied to each compartment.
- 3.9 The TPO plan should be scaled at 1:1'250.
- 3.10 The TPO should then be confirmed and registered.
- 3.11 If planning consent is not granted, then it would not be expedient to create a TPO.
- 3.12 The trees found within compartment 1 & 2 could be afforded comparable protection, as that by a TPO, by carefully worded planning conditions – assuming planning consent is granted.

4 **INVESTIGATION FINDINGS**

- 4.1 The woodland appraisal was carried out in clear, bright, dry and warm conditions. The wind speed was approximately Force 2, (Light Breeze)³.
- 4.2 The woodland displays two distinct areas, referred to as compartments. Compartment 1 is found to the immediate north of Summerlea Road, a quiet residential, unclassified, public carriageway. It is bordered to the immediate north by agricultural pasture.
- 4.3 Compartment 2 is found to the west of a public right-of-way, referred to as Wildcat Road, or Wildcat Lane. It is bordered to the west by a narrow stream, then arable fields. Agricultural pasture is found to the east. The B7048, Portencross Road, is found to the north. A residential garden, with further mature woodland, is found to the south.
- 4.4 Compartment 1, being directly to the north of properties off Summerlea Road, is readily viewed by local residents and by those inhabitants of a residential area of West Kilbride, to the distant north-east, mainly Corsehill Drive.
- 4.5 Compartment 2 is readily viewed by the residents of Corsehill Drive, etc., to the distant east. It borders a public path and so is viewed by those using this route, and by those traveling along Portencross Road.
- 4.6 The two distinct woodland compartments are described below. Please refer to appendix 1 for the location of each compartment.

4.6.1 **Compartment 1:**

- a) **Character Statement:** Middle-aged and even-aged belt of multi-stemmed sycamore.
- b) **Location:** Centre of compartment is found at, X/Y Co-ordinates 219628 – 647972, National Grid Reference NS1962847972, Latitude/Longitude 55.69158, -4.87118. Please refer to appendix 1.
- c) **Size:** Approximately 0.23 hectares.
- d) **BS 5837 Retention Category:** A, “high desirability for retention”.
- e) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- f) **Age Class:** Middle-aged.
- g) **Safe useful life expectancy (SULE):** 40+ years

³ Beaufort Scale (Met Office)

h) Species composition:

Acer pseudoplatanus (sycamore)

i) Elevation: approximately 10 metres above mean sea level.

j) Aspect: Arises from moderate south, south-west, facing embankment.

k) Terrain: Relatively smooth.

l) Drainage: No drain network observed. No signs of waterlogging observed.

m) Artefacts: Lampposts. Stock fence along northern boundary.

n) Access: Readily accessed from Summerlea Road. But no path network present.

o) Neighbours: Summerlea Road to the immediate south. Agricultural land to the north.

p) Vertical structure: Lacks vertical strata. Even aged and uniform stand approximately 12 metres tall.

q) Horizontal structure: Sizeable gaps in the canopy have formed to the eastern side. Becomes more densely stocked to the west.

r) Shrub layer: No shrub-layer present.

s) Field Layer: Consists only of coarse grasses.

t) General Observations: A stand of stored coppice sycamore. It appears that many of these multi-stemmed trees have been felled/reduced to near ground level in the distant past. The lower stems (stools) of some display advanced decay. Almost all of the sycamore stems are supporting dense ivy (*Hedera helix*). Low, squat, specimens have developed due to exposure to the prevailing wind. They have, likely, already reached their terminal height. All display normal vitality. All are host to the fungal pathogen tar-spot (*Rhytisma acerinum*) – though this disease of the foliage is of little arboricultural concern. Way-leave marker noted, indicating that underground utilities pass under the compartment.

Please refer to appendix 4, photographs 1 & 2 for a view of compartment 1 from the south and west.

4.6.2 **Compartment 2:**

- a) **Character Statement:** Mature broadleaved riparian woodland belt.
- b) **Location:** Centre of compartment is found at, X/Y Co-ordinates 219674 – 648227, National Grid Reference NS1967448227, Latitude/Longitude 55.69389, -4.87062. Please refer to appendix 1.
- c) **Size:** Approximately 0.64 hectares.
- d) **BS 5837 Retention Category:** A, “high desirability for retention”.
- e) **BS 5837 Sub-category:** 2 & 3 (mainly landscape and cultural values).
- f) **Age Class:** Mature, to late-mature.
- g) **SULE:** 40+ years.
- h) **Species composition:**
 - Acer platanoides* (Norway maple)
 - Acer pseudoplatanus* (sycamore)
 - Aesculus hippocastanum* (horse chestnut)
 - Betula pendula* (silver birch)
 - Crataegus monogyna* (hawthorn)
 - Fagus sylvatica* (beech)
 - Fraxinus excelsior* (common ash)
 - Prunus avium* (gean)
 - Prunus domestica* (damson)
 - Quercus cerris* (Turkey oak)
 - Ulmus glabra* (wych elm)
- i) **Elevation:** approximately 10 metres above mean sea level.
- j) **Aspect:** Belt displays a gentle west facing slope, to its southern end, otherwise level.
- k) **Terrain:** Rough and inaccessible terrain.
- l) **Drainage:** Woodland is bordered by a main-drain/stream to its western boundary – a riparian woodland, therefore. No other drain network was noted. No signs of waterlogging were observed.
- m) **Artefacts:** Derelict stock fence to the eastern boundary.
- n) **Access:** An informal access route has been formed to the southern end of the woodland. Borders a public path but most of the woodland belt is inaccessible.

- o) Neighbours:** Public path to the immediate east, then agricultural pasture. Stream to the west, then arable fields. Portencross Road to the immediate north and a residential woodland garden is found to the immediate south.
- p) Vertical structure:** An exposed woodland belt with many trees having reached their terminal height by approximately 14 metres. Some have retrenched and are now lower. Varied vertical structure throughout.
- q) Horizontal structure:** Varied horizontal structure also, with sizeable gaps formed by previous tree losses, while other sections are densely stocked.
- r) Shrub layer:** Dense and varied understory is found within this woodland belt and consists of *Rubus fruticosus* (bramble), *Sambucus nigra* (elderberry), *Crataegus monogyna* (hawthorn), and *Prunus domestica* (damson). Making a valuable wildlife corridor.
- s) Field Layer:** Limited field layer with coarse grasses and *Urtica urens* (nettles).
- t) General Observations:** The diverse species composition, varied age-classes present combined with the varied vertical and horizontal structure suggests an old, perhaps ancient, woodland belt. Likely a remnant of a wider network of field-edge hedgerows. Consisting of mainly native broadleaved species, and bordered by a watercourse, this woodland affords great ecological benefits. The woodland belt is readily viewed by residents of the Corsehill Drive area of West Kilbride. It contains at least one completely dead sycamore specimen, though this poses little perceivable risk of harm while providing deadwood habitat for invertebrates etc. The common ash component is succumbing to the ill-effects of *Hymenoscyphus fraxineus* (ash die-back disease). Please refer to appendix 4, photograph 6. The more open sections, where trees have been removed, or have failed, are swamped by dense brambles. These woody shrubs provide their own ecological benefits but do suppress the development of replacement trees. The woodland displays no signs of recent active management but, unfortunately, someone have seen fit to fly-tip large volumes of green waste/garden waste into the southern end of the woodland. Depending on the ownership of the woodland, this may be an illegal activity and it certainly risks introducing diseases and invasive exotic plant species. Please refer to appendix 4, photograph 5.

Please refer to appendix 4, photograph 3 for a view of compartment 2, from the north.

- 4.7 It is understood that a planning proposal for a residential development has been submitted to North Ayrshire Council. And that the application is under consideration. A copy of the proposed development's layout was provided by Mr. Ledingham.⁴ While this report is not intended to be a "BS5837:2012 Trees in relation to design, demolition and construction – Recommendations" compliant document, it is clear that the proposal includes the construction of access roads, "pedestrian links", "SUDS" basin, and residential properties in close proximity to both woodland compartments. Indeed, it is clear the proposal would require the removal of some trees – particularly from compartment 1. Please refer to annex 1.
- 4.8 This proposal is mentioned because the creation of a TPO is appropriate when the planning authority feel *"that it is expedient in the interests of amenity to make that provision"*.⁵
- 4.9 The trees within compartments 1 & 2 would be subject to a higher probability of wilful damage and/or wilful destruction, whether that damage is authorised or unauthorised. For example, the mature trees found to the north of compartment 2 encroach significantly over the proposed development site. Please refer to appendix 4, photograph 4. Proposed access roads and paths, as currently planned, would certainly require the removal of a number of sycamore trees from compartment 1. And the proposed SUDS basin suggests an anticipated change in surface-water run-off, due to the impenetrable surfaces created. Changes in local soil moisture content and run-off of contaminated water often pose a significant risk to the long term retention of existing trees.
- 4.10 It is noted that the development proposal has not followed the recommended "design and construction process" as laid out in figure 1 of BS5837. If it had then the proposal would show the desirability for retention of each existing tree, and its default root protection area. The development would then be designed with these arboricultural matters in mind.
- 4.11 The "Tree Evaluation Method for Preservation Orders (TEMPO)" was applied to determine the appropriateness of a TPO. TEMPO applies scores to amenity value, likely retention span, visibility, other factors and expediency. The final score can then be used to determine whether the TPO is merited, defensible or indefensible. A summary of each compartment's score is listed below. Full details/workings may be viewed at appendix 2.

Cont...

⁴ PH-SST-V-01 Rev V-Development Layout (PDF)

⁵ Town & Country Planning (Scotland) Act 1997. Section 110 1A (a)

	Compartment 1	Compartment 2
Factor	Score	Score
Condition	3	3
Retention span	4	4
Relative public visibility	3	4
Other factors	1	3
Expediency	3	3
Total	14	17
Decision	TPO defensible	Definitely merits TPO

- 4.12 The Helliwell “Evaluation method for woodlands” was also applied to the TPO area. This method uses a range of scores (from 0.5 to 4) to calculate the amenity value of the woodland, over six criteria. I scored the woodland at 243 points. Points allocated as follows:

Factor	Points allocated
1) Size of woodland	1.5
2) Position in landscape	2
3) Viewing population	3
4) Presence of other trees and woodland in the vicinity	3
5) Composition and structure of woodland	3
6) Compatibility	3
TOTAL (scores multiplied)	243

- 4.13 The monetary value for woodland is £171.87 per point (until the end of 2022). Making the amenity value of the woodland, £41’764.41. This figure is only mentioned to allow comparison of another method for the evaluation of amenity value. At 243 points awarded, the TPO area is of moderate to high amenity value. The lowest possible score is 0.03125, with the highest being 3’072.

Please refer to appendix 3 for details and workings associated with the above calculation.

5 RECOMMENDATIONS

- 5.1 The potential TPO area was broken down into two distinct compartments. Each compartment was evaluated in its own right. Conclusions as follows:
- 5.2 Compartment 1, a TPO would be defensible.
- 5.3 Compartment 2 definitely merits a TPO.
- 5.4 If detailed planning consent is granted for the development as shown on the site plan provided, then a woodland TPO should be created and confirmed. Or carefully worded planning conditions should be applied that protect the trees within these two compartments.
- 5.5 The TPO map (a schedule 1) should be drawn at a scale of 1:1'250.
- 5.6 The TPO should be of a "woodland" designation.
- 5.7 The TPO map should, therefore, highlight the protected woodland with a "continuous red line".
- 5.8 The TPO should then be confirmed and recorded with the appropriate Register of Sasines or registered with the Land Register of Scotland.
- 5.9 The TPO should be reviewed from 'time to time'. Once every five years is suggested.
- 5.10 The ownership of the compartments should be determined. Assuming the woodland referred to as compartment 2 is not owned by local residents, then they (the residents of Summerlea Road) should be strongly advised to not tip waste into the woodland.
- 5.11 The proposer of the residential development should ensure that they carefully follow the staged "design and construction process" as laid out in figure 1 of BS5837, in future.
- 5.12 North Ayrshire Council should not consider/process planning proposals that have not followed the BS5837 "design and construction process".

6 **OPINION**

- 6.1 On arrival at Summerlea Road it quickly became apparent that the 'woodland' to be evaluated is formed by two distinct broadleaved belts. Therefore, I felt it appropriate to rate the two compartments separately.
- 6.2 Compartment 1 is a narrow belt of multi-stemmed sycamores that arise close to Summerlea Road and close to the proposed residential development.
- 6.3 Compartment 2 is somewhat more removed from the proposed development, being isolated from the field by a metaled path. Compartment 2 displays an impressive range of native, naturalised and exotic broadleaved tree species. The range of tree species, sizes and conditions, combined with the woodland's position adjacent to a historic road/route strongly suggests a woodland of great age.
- 6.4 The two compartments provide various socioeconomic benefits. They provide wildlife habitat opportunities, sequester carbon, provide shade and shelter, provide privacy/screening and enhance the landscape. These established landscape features are viewed by many residential properties within the West Kilbride area. As such, both compartments are worthy of retention.
- 6.5 So, the trees provide tangible and/or intangible benefits to the public – they have amenity value. They also have historic and cultural value, particularly compartment 2. But a TPO should only be applied when it is expedient to do so. This would suggest that their needs to be a reasonably perceivable threat to the long-term survival of the subject tree, or trees.
- 6.6 It is my experience that new residential properties, in close proximity to existing trees, does indeed, inevitably, result in predictable and continual pressures on those trees. Compartment 1 & compartment 2 are found to the immediate south and west of several of the proposed homes. They will cast significant shade over gardens and windows, especially in the evenings. This alone is likely to result in residents seeking tree reductions and removals. Several homes and gardens are planned in close proximity to existing canopies. Where these tree canopies encroach private property, the residents will be intitled to 'abate a nuisance', regardless of a TPO being in place, or not. And some trees are simply incompatible with the proposed development and will require removal. For these reasons it is reasonable to perceive a threat to the long term survival of at least some of the trees present.
- 6.7 It should be noted that retained trees, after detailed planning consent has been granted, may be protected by carefully worded planning conditions, rather than the creation of a TPO. And a TPO does not mean that planning consent cannot be provided, and selected trees approved for removal.

Cont...

- 6.8 A local planning authority has a challenging role in an instance such as this. The amenity, cultural and historic value of the woodland must be balanced with the authority's responsibility to encourage suitable proposals for the much needed expansion of suitable housing. In this instance I feel all trees within the two compartments could easily be retained, with some slight adjustments of the proposed development's footprint.
- 6.9 It should be noted that if the proposed development is not granted detailed planning consent, then it would likely no longer be expedient to apply a TPO, as there would be no increased threat to the trees' survival.
- 6.10 If a TPO is applied, it should be of a 'woodland' classification. This category of TPO best protects trees, of all sizes and ages, in the longer term.

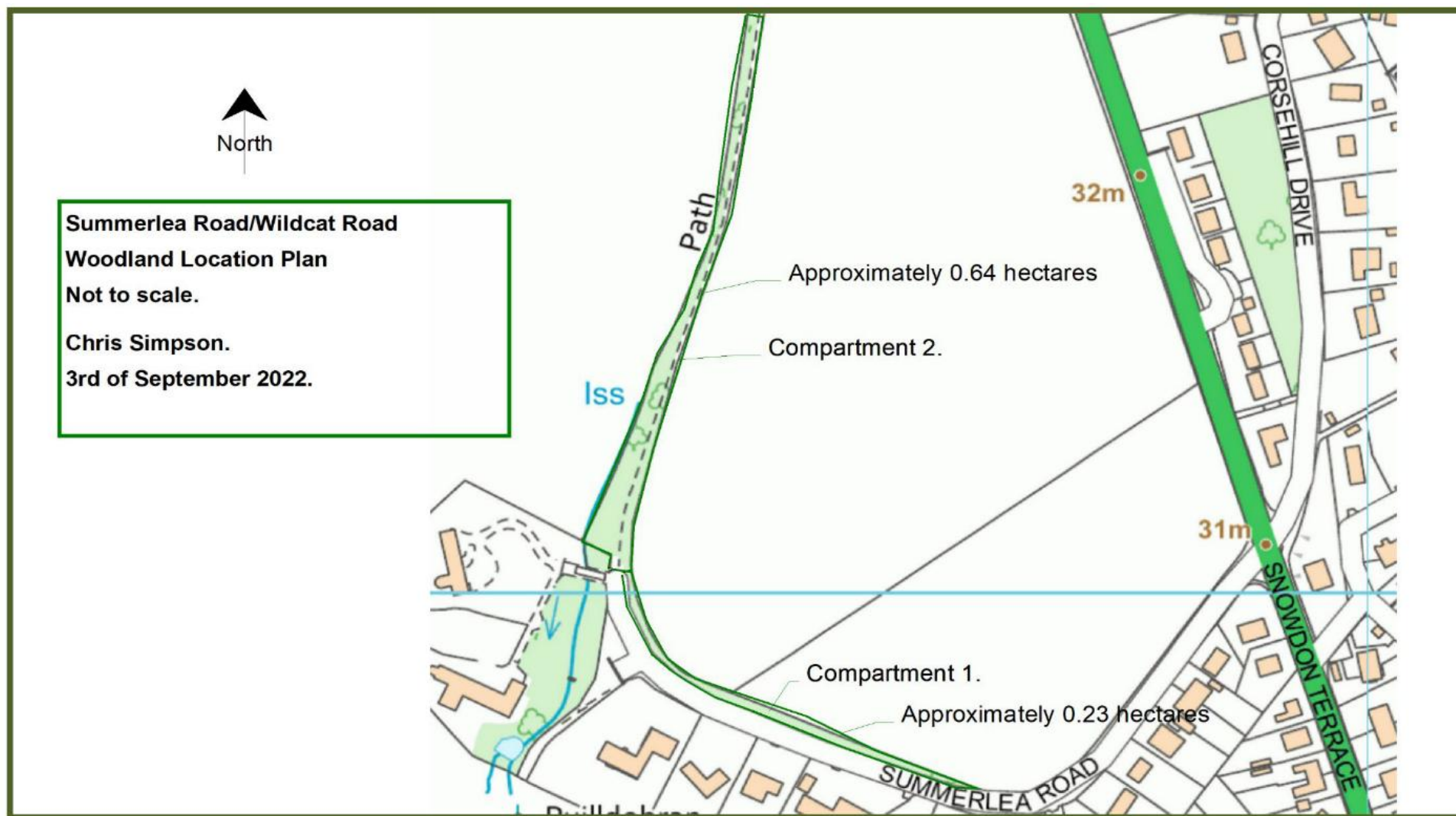
7 **BIBLIOGRAPHY**

- | | |
|---|--|
| FORBES-LAIRD J. (2006) | Tree Evaluation Method For Preservation Orders – Guidance Note For Users. |
| DUNSTER J.A. (2017)
International Society of Arboriculture | Tree Risk Assessment Manual (second edition). |
| HELLIWELL R. (2008)
Arboricultural Association | Principles of tree hazard assessment and management. |
| SCOTTISH GOVERNMENT (2011) | Scottish Planning Series. Planning Circular 1 2011. Tree Preservation Orders. |
| BRITISH STANDARD INSTITUTE (2012)
BSI, 2 Park Street, London | “BS 5837:2012 Trees in relation to design, demolition & construction - Recommendations”. |

APPENDIX 1

LOCATION PLAN⁶

⁶ Plan not to scale.



APPENDIX 2

TEMPO FORMS

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

Date of inspection: 2nd of September 2022

Surveyor: Chris Simpson

TPO Ref: No order had been applied at the time of inspection.

Compartment Number: Compartment 1

Owner: Unknown (by author)

Location: "West Kilbride, North Ayrshire. KA23 9HP. Woodland belt found to the immediate north of Summerlea Road then running south to north, to the B7048".

Part 1: Amenity assessment

a) Condition & suitability for TPO

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous ⁷	Unsuitable

SCORE: 3

NOTES: This southern belt arises to the immediate north of Summerlea Road. A narrow belt on a south-facing embankment dominated by young multi-stemmed sycamore. Readily viewed by residents to the south and by residents of the wider West Kilbride area, to the distant north-east. A useful screen.

b) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10 ⁸	Unsuitable
0) Dying/dangerous ⁹	Unsuitable

SCORE: 4 (running total = 7)

NOTES: This woodland belt is formed entirely by sycamore specimens. This disease resistant naturalised species can reasonably be anticipated to survive another 40 to 100 years.

⁷ Relates to existing context and is intended to apply to severe irremediable defects only

⁸ Includes trees which are an existing or near future nuisance, including those clearly outgrowing their current context, or which are significantly negating the potential of trees of better quality.

⁹ Relates to existing context and is intended to apply to severe irremediable defects only

c) Relative public visibility & suitability for TPO (consider realistic potential for future visibility with changed land use).

- 5) Very large trees with some visibility, or prominent large trees
Highly suitable
- 4) Large trees, or medium trees clearly visible to the public
Suitable
- 3) Medium trees, or large trees with limited view only
Suitable
- 2) Young, small, or medium/large trees visible only with difficulty
Barely suitable
- 1) Trees not visible to the public, regardless of size
Probably unsuitable

SCORE: 3 (running total = 10)

NOTES: The belt of relatively squat sycamore specimens are readily viewed by residents of Summerlea Road and by the residents of properties found to the north-east, as well as road-users and walkers.

d) Other factors (trees must have accrued 7 or more points (with no zero score) to qualify)

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

SCORE: 1 (running total = 11)

NOTES: The young multi-stemmed, squat, sycamore trees have no other redeeming arboricultural features.

Part 2: Expediency assessment (Trees must have accrued 9 or more points to qualify).

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

SCORE: 3 (running total = 14)

NOTES: A planned residential development to the immediate north will inevitably lead to soil disturbance within the trees' predictable rooting area, alter soil moisture content and increase the probability of authorised, and unauthorised, pruning and felling.

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

ADD SCORES FOR TOTAL: 14

DECISION: A TPO for Compartment 1 would be defensible.

Cont...

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET & DECISION GUIDE

Date of inspection: 2nd of September 2022

Surveyor: Chris Simpson

TPO Ref: No order had been applied at the time of inspection.

Compartment Number: Compartment 2

Owner: Unknown (by author)

Location: "West Kilbride, North Ayrshire. KA23 9HP. Woodland belt found to the immediate north of Summerlea Road then running south to north, to the B7048".

Part 1: Amenity assessment

e) Condition & suitability for TPO

5) Good	Highly suitable
3) Fair	Suitable
1) Poor	Unlikely to be suitable
0) Dead	Unsuitable
0) Dying/dangerous ¹⁰	Unsuitable

SCORE: 3

NOTES: This western woodland belt arises to the immediate west of a public right-of-way. With arable fields to the east and west it is readily viewed by of the wider West Kilbride area, to the distant north-east.

f) Retention span (in years) & suitability for TPO

5) 100+	Highly suitable
4) 40-100	Very suitable
2) 20-40	Suitable
1) 10-20	Just suitable
0) <10 ¹¹	Unsuitable
0) Dying/dangerous ¹²	Unsuitable

SCORE: 4 (running total = 7)

NOTES: This woodland belt is formed by a variety of broadleaved species, including sycamore, common ash, Turkey oak, gean, silver birch, damson, hawthorn, horse chestnut and beech. It displays gaps in the canopy where older trees have failed or have been removed. These open areas are typically covered in dense bramble. The woodland belt displays a varied vertical structure – younger trees are found below the canopies of older trees, thus helping ensure continued canopy cover for a conservative estimate of 40 to 100 years.

¹⁰ Relates to existing context and is intended to apply to severe irremediable defects only

¹¹ Includes trees which are an existing or near future nuisance, including those clearly outgrowing their current context, or which are significantly negating the potential of trees of better quality.

¹² Relates to existing context and is intended to apply to severe irremediable defects only

g) Relative public visibility & suitability for TPO (consider realistic potential for future visibility with changed land use)

- 5) Very large trees with some visibility, or prominent large trees
Highly suitable
- 4) Large trees, or medium trees clearly visible to the public
Suitable
- 3) Medium trees, or large trees with limited view only
Suitable
- 2) Young, small, or medium/large trees visible only with difficulty
Barely suitable
- 1) Trees not visible to the public, regardless of size
Probably unsuitable

SCORE: 4 (running total = 11)

NOTES: This woodland belt, despite being somewhat squat (exposed to the prevailing wind) contains some large diameter broadleaved specimens that combine to create a major landscape feature, viewed by residents of West Kilbride (to the north-east) and by road-users.

h) Other factors (trees must have accrued 7 or more points (with no zero score) to qualify)

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

SCORE: 3 (running total = 14)

NOTES: This mature woodland belt is found along the edge of a historic right-of-way and contains several mature, to late-mature specimens – suggesting a woodland of great age. Formed by mainly native broadleaved species.

Part 2: Expediency assessment (Trees must have accrued 9 or more points to qualify)

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

SCORE: 3 (running total = 17)

Cont...

NOTES: A planned residential development to the immediate east will inevitably lead to soil disturbance within the trees' predictable rooting area, alter soil moisture content and increase the probability of authorised, and unauthorised, pruning and felling. It should be noted that the canopies several trees, to the north of this belt, display significant encroachment of the proposed development site.

Part 3: Decision guide

Any 0	Do not apply TPO
1-6	TPO indefensible
7-10	Does not merit TPO
11-14	TPO defensible
15+	Definitely merits TPO

ADD SCORES FOR TOTAL: 17

DECISION: **Compartment 2 definitely merits a TPO.**

APPENDIX 3

HELLIWELL VALUATION SHEET

HELLIWELL 'EVALUATION METHOD FOR WOODLANDS'¹³
CALCULATIONS RELATING TO TPO AREA

FACTOR	POINTS					SCORES & NOTES
	0.5	1	2	3	4	
1. Size of woodland		Very small	Small	Medium	Large	Compartment 1 is approximately 0.23 Ha. Compartment 2 is approximately 0.64 Ha. So, scores 1.5
2. Position in landscape	Very secluded	Secluded	Visible but not prominent	prominent	Very Prominent	Visible for more than 1 Kilometre. Non-prominent woodland so scores 2.
3. Viewing population	Very few	Few	Some	Many	Very many	Woodland viewed by 'many' residents and by road users and pedestrians. Scores 3.
4. Presence of other trees and woodland in the vicinity	Surrounding area more than 75% wooded	Surrounding area more than 25% wooded	Surrounding area 5-25% wooded	Surrounding area 1-5% wooded	Surrounding area less than 1% wooded	Surrounding area with no more than 5% woodland cover. So, scores 3.

¹³ Full guidance notes relating to the scoring regime can be read in "Visual amenity valuation of trees and woodlands. The Helliwell System 2008". Guidance note 4 from the Arboricultural Association.

HELLIWELL 'EVALUATION METHOD FOR WOODLANDS'¹⁴
CALCULATIONS RELATING TO TPO AREA

FACTOR	POINTS					SCORES & NOTES
	0.5	1	2	3	4	
5. Composition and structure of the woodland	Plantation with geometric stripes, or visually degraded woodland	Even-aged young woodland	Mature or uneven-aged woodland or wood pasture	Mature or uneven-aged woodland or wood pasture with large or veteran trees		Compartment 1 is even aged and middle-aged but compartment 2 is mature and un-even aged. So, scores 3.
6. Compatibility	Only just acceptable	Acceptable	Moderately good	Good	Excellent	Woodland is an established feature within an agricultural setting – good compatibility. So, scores 3.
TOTAL						243

¹⁴ Full guidance notes relating to the scoring regime can be read in “Visual amenity valuation of trees and woodlands. The Helliwell System 2008”. Guidance note 4 from the Arboricultural Association.

APPENDIX 6

SUPPORTING PHOTOGRAPHIC EVIDENCE

Photograph 1



Above: Compartment 1 as seen from the south. Note the properties in the distance, with an uninterrupted view of this woodland belt.

Photograph 2



Above: Compartment 1, as seen from the west. Note the distinct gap between the two compartments, created by the public footpath.

Photograph 3



Above: Compartment 2, as seen from the north. Note the fragmented nature of the woodland

Photograph 4



Above: The northern end of compartment 2. The canopies found here encroach over the field to the east, the proposed development site.

Photograph 5



Above: The southern end of compartment 2. Large volumes of green waste are being dumped within the woodland.

Picture 6



Above: The common ash trees found within compartment 2 are succumbing to the ill-effects of ash die-back disease.

APPENDIX 4

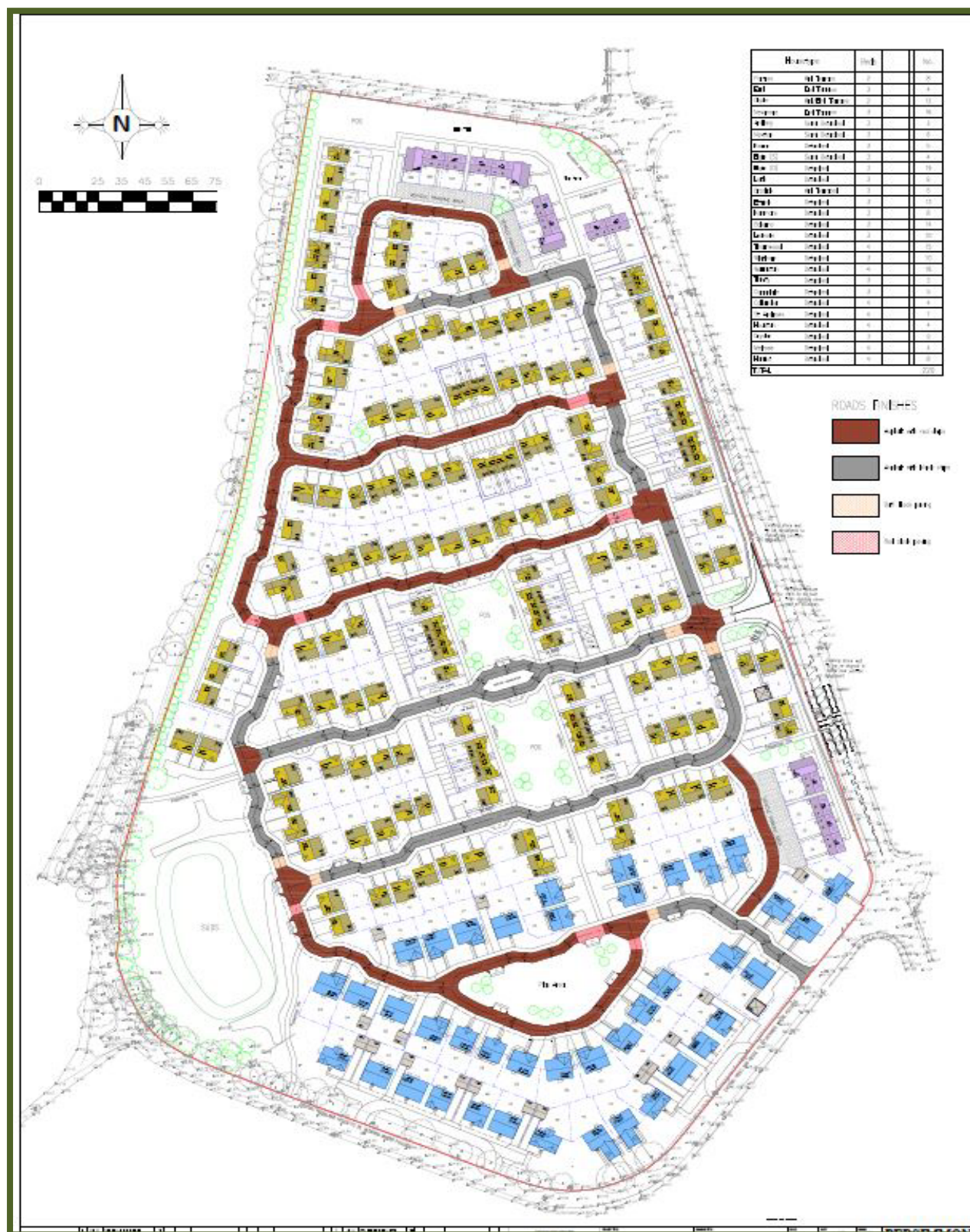
GLOSSARY OF TERMS

Glossary of Arboricultural Terms:

Term	Explanation
Amenity value	The tangible and intangible benefits afforded by trees to the public.
Coppice	Silvicultural technique where the tree is repeatedly cut-back to a stool.
Native	Tree species native to the British Isles.
Naturalised	Tree species introduced to the British Isles but now forming wild populations.
Riparian woodland	Woodland bordering aquatic features. Commonly accepted to increase the ecological value of a woodland.
Stool	Coppiced tree stump.
Stored coppice	Coppiced stems that are retained beyond a standard cycle of cutting.
Tree	Any woody perennial that would normally be referred to as a tree.

ANNEX 1

PROPOSED DEVELOPMENT LAYOUT



NORTH AYRSHIRE COUNCIL

28th September 2022

Planning Committee

Title: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: former dental surgery, Fergushill Road, Kilwinning, Ayrshire, KA13 7LR**

Purpose: To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.

Recommendation: Agree that authority be given to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 in the interests of the amenity of the area

1. Executive Summary

- 1.1 To seek authority to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to both secure the building and to maintain the curtilage of the former dental surgery building on Fergushill Road, Kilwinning.
- 1.2 The former dental surgery building is currently vacant, has been subject to previous break-ins, and has deteriorated in appearance in recent years. It is considered that the condition of the land and the vacant building is harmful to the amenity of the surrounding area on Fergushill Road and poses a safety risk to neighbouring residents.
- 1.2 Complaints were received by Planning Services raising concerns about the condition of the building and site. Officers inspected the site and contacted the owner to raise these concerns. No response has been received to the most recent contacts.

2. Background

- 2.1 Complaints regarding the condition of the former dental surgery building at Kilwinning Clinic on Fergushill Road in Kilwinning were received by Planning Services on the 20th of June 2022. It was reported that the building was not secure and had been subject to issues involving smashed windows and fire-raising. On the 26th of August 2022, further complaints were received that there was a missing panel to the building door which was allowing continued access to the building without restriction.

- 2.2 Planning permission was granted in February 2021 (ref. 21/00019/PP) for the demolition of the vacant dental surgery building and the erection of six semi-detached dwellinghouses to include the formation of access road/parking and provision of garden ground/landscaping. The development has neither commenced nor has any site clearance been initiated.
- 2.4 It is considered that the condition of the land and the vacant building is harmful to the amenity of the surrounding area on Fergushill Road and poses a safety risk to neighbouring residents. The building is not secure and has been subject to previous break-ins and its fabric has deteriorated in recent years.
- 2.5 A previous complaint regarding the condition of the building was received by Planning Services in July 2021. Given the above noted planning permission (ref. 21/00019/PP), the applicant/owner was asked to provide a timescale for the implementation of the permission and the demolition of the vacant building. In response the applicant/owner advised that he was awaiting the approval of a Building Warrant to commence the works.
- 2.6 The Council's Building Standards Team advise that a Building Warrant was granted in February 2021 to the previous owner for the demolition of the building (ref. 20/00682/BW), which remains valid until 9th February 2024. There is no record of an application for a Building Warrant for the proposed development by the current owner. There has been no further indication from the owner as to when the planning permission (ref. 21/00019/PP) is to be implemented nor when demolition works are due to commence.
- 2.5 It is therefore considered necessary to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 on the owner of the land to require enhanced security measures and to improve the external appearance of the former dental surgery building and its curtilage.

3. Proposals

- 3.1 It is recommended that a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (as amended) is served on the landowner to require:
1. The securing of all doors and windows and other entry points into the vacant former dental surgery building by boarding up all openings; and
 2. The removal of graffiti, litter, broken glass, and damaged signs from the site.
- 3.2 The timescale for undertaking such works should be no greater than 6 weeks from the date of the notice.

4. Implications/Socio-economic Duty

Financial

4.1 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 to achieve compliance. The Council may then seek to recover from the person(s) who was the then owner (or lessee) any expenses reasonably incurred during the carrying out of these works.

Human Resources

4.2 None.

Legal

4.3 The proposed Amenity Notice would be served in accordance with statutory procedures.

Equality/Socio-economic

4.4 None.

Environmental and Sustainability

4.5 The proposed Amenity Notice would restore and maintain the amenity of the surrounding area in Kilwinning to an expected condition.

Key Priorities

4.6 The proposed Amenity Notice would support the Council Plan priority: “Vibrant, welcoming and attractive places”

Community Wealth Building

4.7 Any direct action taken under the Planning Acts can support progressive procurement.

5. Consultation

5.1 None.

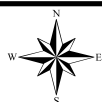
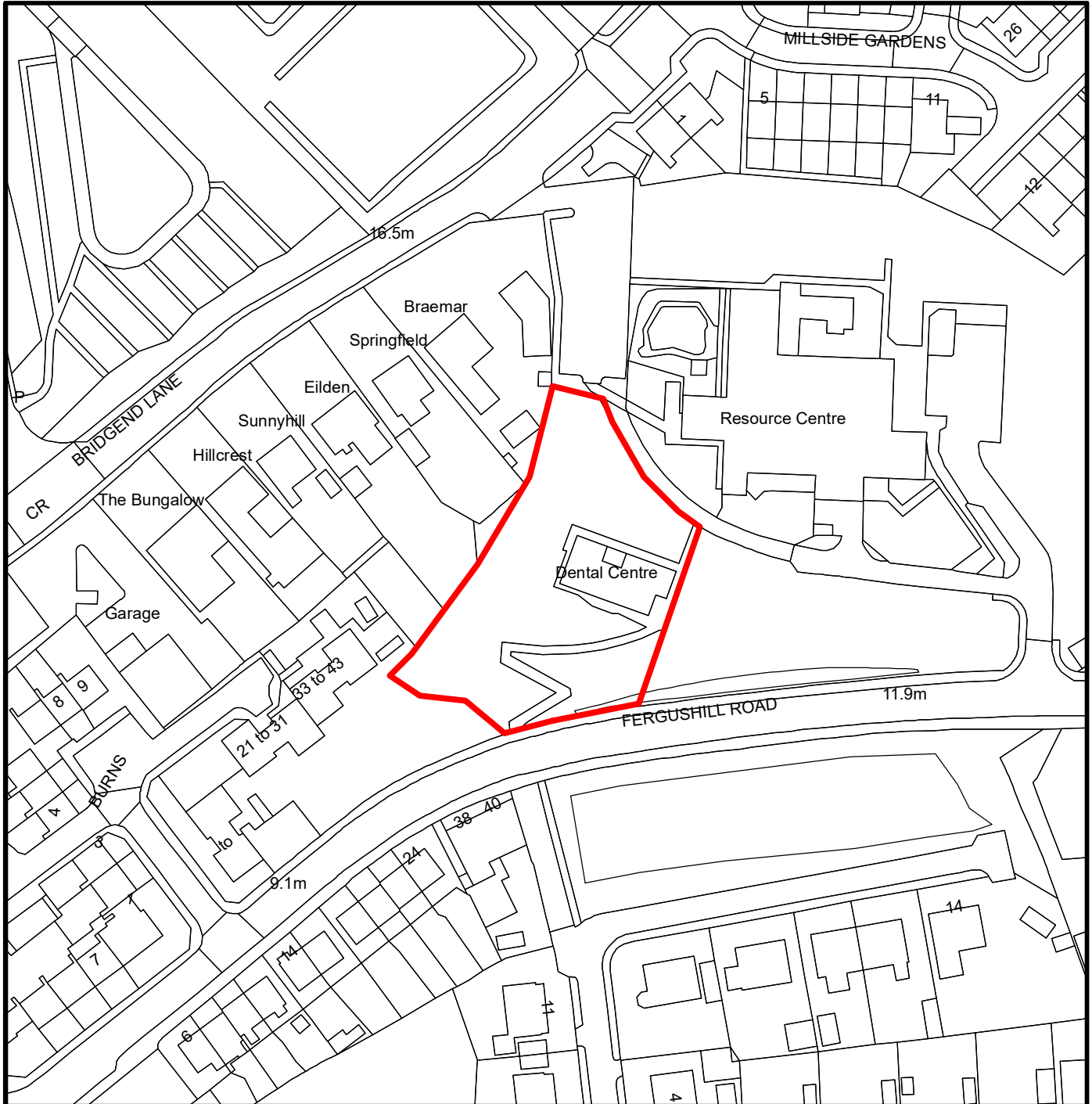
JAMES MILLER
Chief Planning Officer

For further information please contact **Mr J. Thompson, Assistant Planning Officer**, on **01294 324313**.

Background Papers

0

**Notice under Section 179 of the Town and Country
Planning (Scotland) Act 1997: Kilwinning Clinic,
Fergushill Road, Kilwinning, Ayrshire, KA13 7LR**



1:1,250

0 15 30 60 Metres

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