



Cunninghame House,
Irvine.

18 October 2012

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 24 OCTOBER 2012** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Declarations of Interest

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

2. Minutes

The Minutes of the previous meeting of the Planning Committee held on 26 September 2012 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Irvine/Kilwinning

Submit reports on the following applications:-

3.1 12/00467/PP: Irvine: Woodlands Avenue: The Kiosk

Deletion of condition 3 of planning permission 10/00316/PP to enable takeaway to operate separately from Woodlands Kiosk

3.2 12/00411/PP: Kilwinning: Pennyburn Road: Kilwinning Sports Club
Erection of extension to front and side of pavillion to form office/storage space

(copies enclosed).

4. North Coast and Cumbraes

Submit reports on the following applications:-

12/00480/PP: Millport: Site to South of 2 Ninian Street

Erection of detached dwellinghouse including balcony

(copy enclosed)

5. Notice Under Section 179 of The Town and Country Planning (Scotland) Act 1997 - Stevenston, 22 Burnlea Place

Submit report by the Solicitor to the Council on a Notice under Section 179 of The Town & Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abating of the adverse impact on the local area (copy enclosed).

6. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
26 September 2012

IRVINE, 26 September 2012 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Elizabeth McLardy, Robert Barr, John Bell, John Bruce, John Ferguson, Ronnie McNicol and Tom Marshall.

In Attendance

K. Smith, Senior Planning Officer and J. Law, Solicitor (Contracts and Conveyancing) (Corporate Services); and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane and Jim Montgomerie.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the previous meeting of the Committee held on 5 September 2012 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

12/00460/PP: Beith: 2 Headlands Grove: Site to the South West

Mr and Mrs Danks, 2 Headlands Grove, Beith have applied for planning permission for the change of use from open space to form garden ground on a site to the south west of the above address. One representation has been received, as detailed in the report.

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

1. That within 2 months of the date of this consent, details of the timetable for a scheme of remediation measures to eradicate Japanese Knotweed from the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme, as may be approved, shall be implemented, and on completion, the applicant shall appoint a suitably qualified person to certify that Japanese Knotweed has been eradicated from the application site, all to the satisfaction of North Ayrshire Council as Planning Authority.

2. That details of the proposed boundary treatment and landscaping including species, planting densities, soil treatment and aftercare shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of works/clearance on site.

4. Irvine/Kilwinning

4.1 12/00462/PP: Irvine: Woodlands Avenue: Woodlands Primary School

North Ayrshire Council, Education and Skills, Cunninghame House, Irvine have applied for planning permission for the erection of a sprinkler tank, with a 3 metre high fence enclosure, associated with the previously approved extension to Woodlands Primary School (12/00151/PP), Woodlands Avenue, Irvine.

The Committee agree to grant the application.

4.2 12/00481/PP: Dreghorn: 21 Main Street: Site to the South of Dreghorn Library

Open Reach, 123 Judd Street, London have applied for planning permission for the erection of a telecoms cabinet at a site to the south of Dreghorn Library, 21 Main Street, Dreghorn.

The Committee agree to grant the application subject to (i) no significant objections being received prior to the expiry of the statutory neighbour notification period of 28 September 2012; and (ii) the following conditions:-

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

2. That prior to the commencement of the development hereby approved, details of a schedule of works with regards to the removal of the redundant cabinet as illustrated on the block plan hereby approved shall be submitted and agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the schedule of works shall include timescales for removal of the cabinet and details of the re-instatement of the footpath.

4.3 12/00446/PP: Irvine: Castlepark: Carron Place: Castlepark Primary

North Ayrshire Council, Education and Skills, Cunninghame House, Irvine have applied for planning permission for the erection of a sprinkler tank, with a 3 metre high fence enclosure, associated with the previously approved extension to Castlepark Primary School (12/00152/PP), Carron Place, Castlepark, Irvine.

The Committee agreed to grant the application.

The meeting ended at 2.10 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

Planning Area

24 October 2012**Irvine/Kilwinning**

Reference

12/00467/PP

Application

16th August 2012

Registered

Decision Due

16th October 2012

Ward

Irvine West

Recommendation	Grant with conditions as per Appendix 1
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Location	The Kiosk, Woodlands Avenue, Irvine
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Applicant	Mr Amir Ali Munaner c/o The Kiosk Woodlands Avenue Irvine
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Proposal	Deletion of condition 3 of planning permission 10/00316/PP to enable takeaway to operate separately from Woodlands Kiosk
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1. Description

It is proposed to delete condition 3 of planning permission (Ref. 10/00316/PP) in order to enable a new hot food takeaway at The Kiosk in Woodlands Avenue to operate separately from the adjoining shop.

On 14 July 2010, planning permission was granted under delegated powers to erect an extension to 'The Kiosk' in order to form a hot food takeaway. The hot food takeaway was designed to have its own separate entrance, independent of the Woodlands Kiosk. Due to the use of separate entrances, the takeaway would operate as a functionally separate unit from the adjoining shop, although it was intended to share the kitchen.

A condition of the planning consent stipulated that the business shall be operated "as one unit," with the reason for being "to restrict the development to the terms of its justification and special need".

The erection of the takeaway extension has now taken place, although the use has not yet commenced operating. The owner of the shop has indicated that he wishes to sub-lease the takeaway to another person (the applicant), whose intention is to run the takeaway separately from the retail business. He has also proposed that the internal link between the takeaway and shop would not be formed, and the takeaway would have a separate kitchen from the shop.

The existing shop already provides takeaway facilities, principally the sale of filled rolls, and has been doing so for many years. The approved plans indicated that the kitchen area within the shop would be internally linked to the new takeaway, which justified the condition on the basis that the two units would operate as related businesses. The 'takeaway' operation within the shop, is in effect the 'on-demand' sale of hot rolls, teas/coffees, etc, which is of a limited scale in comparison to the operation of a hot food takeaway, as approved in the extension. The shop currently opens around 6.30am and closes at 6.00pm. The shop intends to continue this offer. The proposed hours of operation for the new takeaway would be from 8 in the morning until 10pm at night. However, the applicant has indicated that due to the type of food he intends to prepare, he would not open the takeaway as early as 8am. He has indicated that he intends to operate the takeaway from early evening until 10pm at night in order to cater for evening meals and snacks.

When the application was first submitted in August 2012, it was also proposed that the hours of operation be extended until 11.00pm. Following negotiation, this part of the proposal has been deleted from the application, and the hours of operation would remain as per the 2010 consent. The applicant and his landlord have also agreed to regularise the hours of operation of the existing takeaway within the shop and the separate takeaway to ensure that both cannot operate at the same time. Further negotiations have taken place with regard to the need for lay-by style parking to the front of the shop and takeaway in order to improve traffic and pedestrian safety at this location.

The 2010 planning consent also included a requirement for details of a ventilation system to be submitted. These details were submitted during September 2012. The ventilation system has now been installed, and air intake and odour extraction grilles have been fitted onto the side elevation of the takeaway.

To the rear of the shop and takeaway is a large area of open space which contains a number of playing fields and a children's play area owned by North Ayrshire Council. To the south east is a changing pavilion for the playing fields and beyond lies Woodlands Primary School. On the opposite side of Woodlands Road are two storey semi-detached and terraced residential properties.

Although the extension to house the takeaway is now completed, the application site remains allocated in the adopted Local Plan for leisure and open space purposes. Other policies relevant to the consideration of this application are TC6 (Local Shops) and the Development Control Statement.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, and was also advertised in a local newspaper. Representations have been received from three individuals, all of whom have objected to the proposal on the following grounds:

1. The proposal to extend the hours of operation until 11pm at night is strongly opposed on the grounds of noise and disturbance. At present the shop opens at 6.30am and closes at 6pm throughout the year. This generates a significant level of noise and disturbance from traffic and further noise and disturbance from the takeaway would be unacceptable.

Response - It is no longer proposed to extend the opening hours, as highlighted above. The application seeks only to remove the condition which requires the shop and takeaway to operate as a single business unit. There is no evidence to suggest that the "separation" of the shop from the takeaway outlet through the deletion of a planning condition would generate any additional noise and disturbance at the site or at nearby housing. Additional conditions can be imposed to restrict the hours of operation of the takeaway facilities so that they do not operate together.

2. The opening of a late night take away would disturb local residents and traffic problems would only get worse.

Response - In terms of the 2010 planning permission, the latest that the takeaway could open to, would be 10pm at night. Furthermore, it is no longer proposed to open later than 10pm.

3. It is alleged that it was never the intention of the applicant to seek permission to simply extend the existing shop but that it was always his intention to separate the units. This is considered inappropriate and does not give local residents correct information about the applicant's genuine intentions. The assessment of the application should focus on the impact of a new hot food takeaway and should not be influenced by the previously consented extension.

Response - In 2010 consent was granted for a hot food takeaway which would be, in effect, a separate and independent unit from the adjacent shop. The shop can lawfully continue to prepare and sell hot food, just as it has been doing for many years. It should also be noted that the shop has operated as a takeaway without complaint. Given these circumstances, it is open to the Council to impose further condition on the premises, as enabled by s.42 of the Town and Country Planning (Scotland) Act 1997. The effect of the 2010 consent enabled two hot food takeaways to operate side by side, although at differing scales of undertaking. However, an important difference is that the two shops would not operate at the same times given that they would serve different markets at different times of the day. The applicant has agreed to the imposition of a condition to regulate this in the public interest.

4. The implications for traffic must also be considered since the proposal would have implications for traffic generation.

Response - The application has been subject of a consultation with Infrastructure and Design Services (Roads) who have no objections to the proposal, subject to the provision of lay-by parking in front of the application site prior to the commencement of the new takeaway use (see below).

5. The impact of odours on neighbouring residents must be considered particularly as there are houses nearby.

Response - This has been the subject of consultation with Environmental Health and details of the ventilation system for the facilities have been given to Environmental Health for their comments. Environmental Health have no objections to the proposal. Their consultation response is detailed below.

7. The impact on residential area should be considered. The locality is currently predominately residential, containing a single retail shop which operates during daytime hours. This proposal is markedly different from what is permitted and will have an unacceptable impact on the residential amenity of local residents.

Response - The proposal would not be markedly different from the consented use. The approval for a hot food takeaway remains unchanged other than to allow it to operate independently of the shop. There is already a limited takeaway facility within the shop. There are also a variety of land uses on this side of Woodlands Avenue as stated above e.g. primary school, playing fields, children's play area. There is also a community centre and a car wash nearby. On the opposite side of Woodlands Avenue, it is agreed that the land use pattern is much more residential in nature.

The proposal to delete a condition of the planning consent would have no material effect on the established/approved pattern of use within the area, since the deletion of the planning condition would not result in any change to the established/approved local environment. However, a positive improvement which could be achieved through this proposal is the provision of a lay-by parking area to the front of the shop and takeaway.

8. Section 25 of the Town and Country Planning Act states that the Development Plan shall be used to determine planning applications. The relevant policy for this proposal would be TC6 (Local Shops) which indicates that proposals for hot food shops outwith town centres must demonstrate that they meet a local need. Has the applicant demonstrated that there is a requirement for such a proposal in any way whatsoever? If not, the proposal is contrary to this policy. In any case, the proposal is contrary to the DC Statement of the Local Plan in that it would have an unacceptable impact on amenity.

Response - The issue of local need was considered at the time of the 2010 planning application and it was accepted that there was a need which the proposal could meet, as an expansion of an existing business. The proposal to separate the businesses rather than expand the existing one would still be the subject of the safeguards either in place or which can be put in place with respect to issues such as odour control, parking and hours of operation.

Consultations

Environmental Health - No objections.

Response - Noted.

Infrastructure and Design Services - No objections subject to the provision of lay-by parking to the front of the shop unit and takeaway, which could be achieved through the narrowing of the existing pedestrian footway. There will be no change to the size of the existing hot food takeaway consented in 2010 and therefore it is not envisaged that the amount of traffic would increase, provided that the hours of operation of each takeaway are separate.

Response - Noted. A suspensive condition to meet the above requirements can be imposed.

Irvine Community Council - No comments.

Strathclyde Police - No comments.

3. Analysis

Section 42 of the Town and Country Planning (Scotland) Act 1997 relates to applications for planning permission for the development of land without complying with a condition(s) subject to which a previous planning permission was granted. On receipt of such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted and, if they decide that planning permission should be granted subject to conditions differing to those to which the previous consent was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. Alternatively, if the Planning Authority decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The relevant Local Plan Policy in this case is Policy TC6, which relates to local shops. In 2010, the proposal to erect an extension to the existing shop to provide a takeaway was granted, subject to conditions, the proposed takeaway being considered acceptable under the terms of this Policy. It was acknowledged at that time that the shop already prepared and sold takeaway food.

Since then, the owner of the shop has decided to sub-lease the new takeaway such that it would operate separately from the shop. Whilst the permitted hours for the approved 2010 takeaway are between 8am and 10pm, the shop presently opens at the earlier time of 6.30am and closes at 6pm. Takeaway food is sold within the shop between the hours of 7 am and 3 pm, reflecting market demand. There are no planning restrictions on the hours of operation at the shop.

The effect of the planning condition imposed on the 2010 consent would mean that both the shop and the takeaway could operate lawfully up until 10pm, due to the fact that condition 3 required the two uses to operate as a single business unit. The issue before the Committee is whether or not the takeaway should be allowed to operate independently of the shop, and in so doing, enable separate hours of operation for each use. It is not considered that this raises any new planning issues in terms of Policy TC6, since a condition can be imposed to ensure that the takeaways operate at separate times. This Policy seeks to protect existing local shops and to restrict new development, including that involving hot food, to meeting a recognised local need within a neighbourhood, these matters were addressed by the 2010 decision.

In summary, there appears to be no policy reason why the proposal to delete Condition 3 would be contrary to the provisions of Policy TC6, given that there are no relevant new issues to consider. A condition can be imposed to ensure that the takeaways cannot operate simultaneously.

Turning to the Development Control Statement, there are no issues with respect to siting, design and external appearance, as the detailed consent for the building of the takeaway was considered and approved two years ago. With respect to criterion (b), which deals with the issue of amenity, it is considered that the original proposal to open the takeaway until 11pm at night would have been less acceptable with respect to residential amenity, since this would have introduced the potential for additional noise and disturbance at an hour beyond that envisaged at the time of 2010 approval. The fact that the applicant now accepts the 10pm limit imposed in 2010 is welcomed, in addition to his agreement to a new condition that would regulate the takeaway opening hours both within the shop and the new unit. With respect to the issue of odour, this has been the subject of a consultation with Environmental Health who have no objection to the system now installed. However, in the event that odour became problematic in the future, local residents can report any odour concerns directly to Environmental Health who have powers to investigate and address such matters.

With respect to criterion (d) which deals with access, road layout and parking, Infrastructure & Design Services (Roads) have indicated that there is a need to improve parking facilities serving the shop since, although there is a large walk-in catchment population, the facility is also popular with drivers passing through the area. Since the pedestrian footway in front of the site is wider than the standard 2 metre requirement, a lay by could be created which would offer a safe and convenient parking area for customers. A nib would also be formed that would assist pedestrians cross the road, which would be made marginally narrower as a result of the lay-by.

In conclusion, it is considered that the proposal to delete the condition which requires the shop and takeaway to operate as a single business unit can be supported on the grounds that there would be no net detriment to the amenity of the surrounding area resulting from the deletion of this condition. Adequate safeguards in terms of odour control and hours of operation as imposed by the conditions of the original consent would remain in place.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'Ian T. Mackay', with a stylized flourish at the end.

Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
8 October 2012

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00467/PP

Grant subject to the following conditions:-

1. That the hours of operation of the takeaway facility at "The Kiosk" shall be only during the period between 0700 hours and 1500 hours.
2. That the hours of operation of the new build takeaway facility shall be only during the period between 1600 hours and 2200 hours.
3. That, prior to the new build takeaway becoming operational, details of a lay-by parking area within the area to the front of the application site at Woodlands Avenue, including the provision of a pedestrian nib, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development may commence operating only upon the completion of the parking spaces and nib to the satisfaction of North Ayrshire Council as Planning Authority.

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

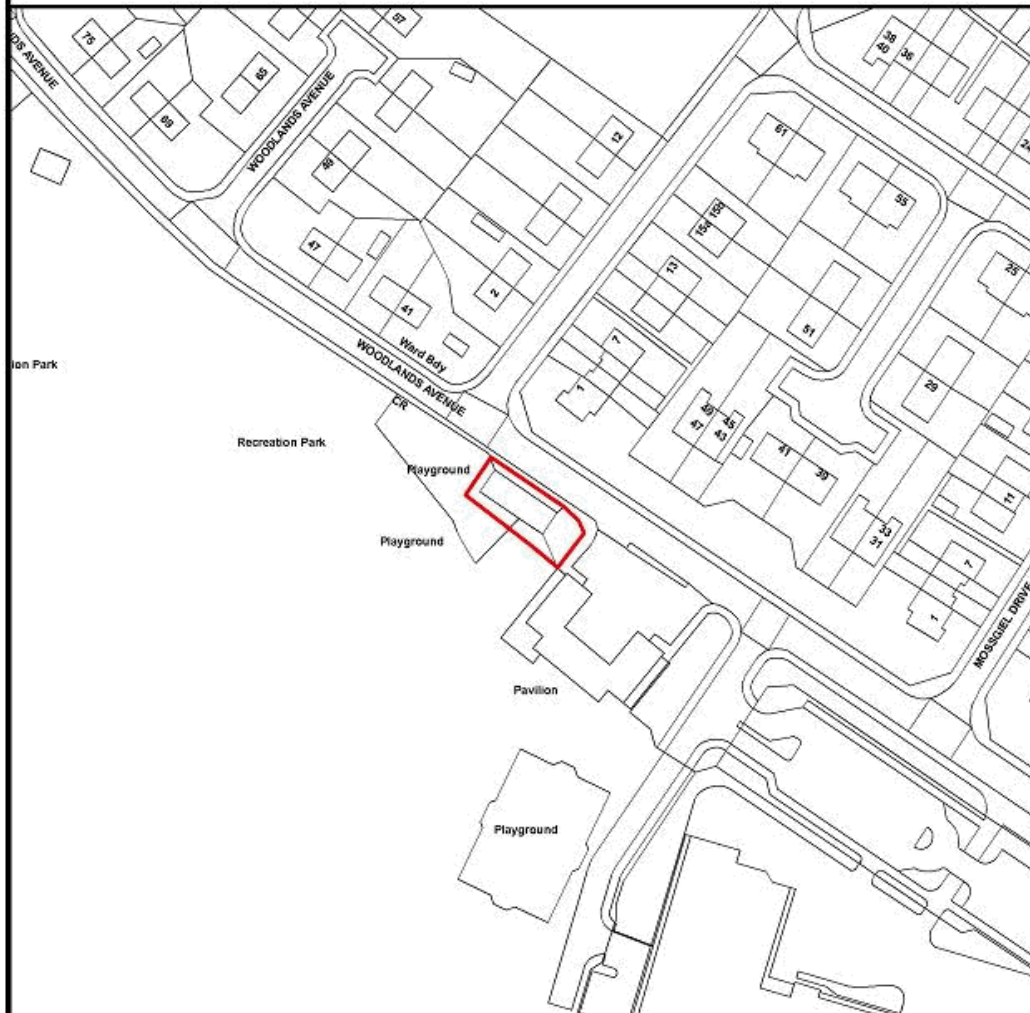
1. To restrict two takeaways from operating simultaneously in the interests of amenity.
2. To restrict two takeaways from operating simultaneously in the interests of amenity.
3. In the interests of traffic and pedestrian safety.

Reason(s) for approval:

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

Committee Plans

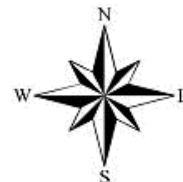
12/00467/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

Planning Area

24 October 2012**Irvine/Kilwinning**

Reference

12/00411/PP

Application

20th September 2012

Registered

Decision Due

20th November 2012

Ward

Kilwinning

Recommendation	Grant without conditions as per Appendix 1
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Location	Kilwinning Sports Club Pennyburn Road Kilwinning KA13 6LF
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Applicant	Kilwinning Sports Club Fao M Morgan Pennyburn Road Kilwinning KA13 6LF
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Proposal	Erection of extension to front and side of pavilion to form office/storage space.
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1. Description

This application seeks planning consent for the erection of an extension to the front and side of the existing pavilion at Kilwinning Sports Club to provide office and storage area. The proposed extension would project approximately 3.5m from the side (north-east) elevation of the existing pavilion, would extend some 10.3m across the front (north-west) elevation and would have a floor area of approx. 83sqm. The proposed extension would have a flat roof to match the existing premises and would be approximately 3.4m high. External finishes would be white wet dash render with a felt roof and UPVC weatherboards (as existing).

The application site relates to an existing changing block situated approx. 19m north-east of the newly approved sports pavilion (Ref: 11/00702/PP) and immediately south of the existing parking area, which is accessed from Pennyburn Road. There are sports pitches associated to the sports club to the east of the site beyond which is the Glasgow to Ayr rail line with the Blacklands housing area beyond. The site is bounded to the west by Pennyburn Road beyond which is the Pennyburn housing area and primary school.

The site is allocated for leisure and open space purposes in the North Ayrshire Local Plan (Excluding Isle of Arran). Policy OS1A (New and Upgraded Leisure and Recreational Facilities) sets down details on how such proposals should be assessed. The proposal also requires to be assessed against the relevant criteria in the development control statement (DCS) being: (a) siting, design and external appearance; (b) amenity; and (d) road layout and parking provision.

Planning permission was granted on 13th December 2011 for a new sports pavilion (Ref: 11/00702/PP), which has now commenced. That building superseded a larger proposed pavilion, approved by the Planning Committee on 9th November 2010, with a synthetic turf sports field and enclosing 3 metre high mesh fence, 8 x 16 metre high floodlights and 30 associated parking spaces including a new access off Pennyburn Road (Ref: 10/00512/PP).

Permission was granted for a 23m high wind turbine (Ref 10/00061/PP), and until February 2016 for the provision of temporary changing facilities (Ref: 08/00911/PP), both of which have been implemented.

2. Consultations and Representations

The application was subject to the standard neighbour notification and was advertised in a local newspaper on 28 September 2012 for neighbour notification purposes. No representations have been received.

Infrastructure and Design Services (Roads) - The proposal is an extension to provide improved/alternative facilities and as such should not generate any significant additional vehicular movement within the site. There are no objections to the proposal.

Response - Noted .

3. Analysis

The application requires to be assessed against Policy OS1A (New and Upgraded Leisure and Recreational Facilities) which requires that the upgrading of existing facilities or the provision of new sports and recreational facilities to expand and improve the range available to local people through public, community or provide ventures shall be supported by the local plan in appropriate locations.

Given the recent approval for the upgrades to the sports club facilities, it is considered that the proposed extension to provide further additional related facilities would further improve the offer available to the users of Kilwinning Sports Club and would therefore accord with Policy OS1A.

With regard to the DCS, it is considered that the proposed extension would be sympathetic to the design of the existing building and be acceptable. The proposal would not cause any inappropriate impacts on amenity. Therefore the proposal would accord with Criteria (a) and (b) of the DCS. With regard to Criterion (d), there would not be any significant increase in vehicular movement within the site. Infrastructure and Design Services (Roads) offer no objections. The proposal would, therefore, accord with Criterion (d).

In view of the above, it is considered that the proposal accords with Policy OS1A and the relevant criteria of the DCS. There are no other material considerations.

4. Full Recommendation

See Appendix 1.



Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
10 October 2012

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00411/PP

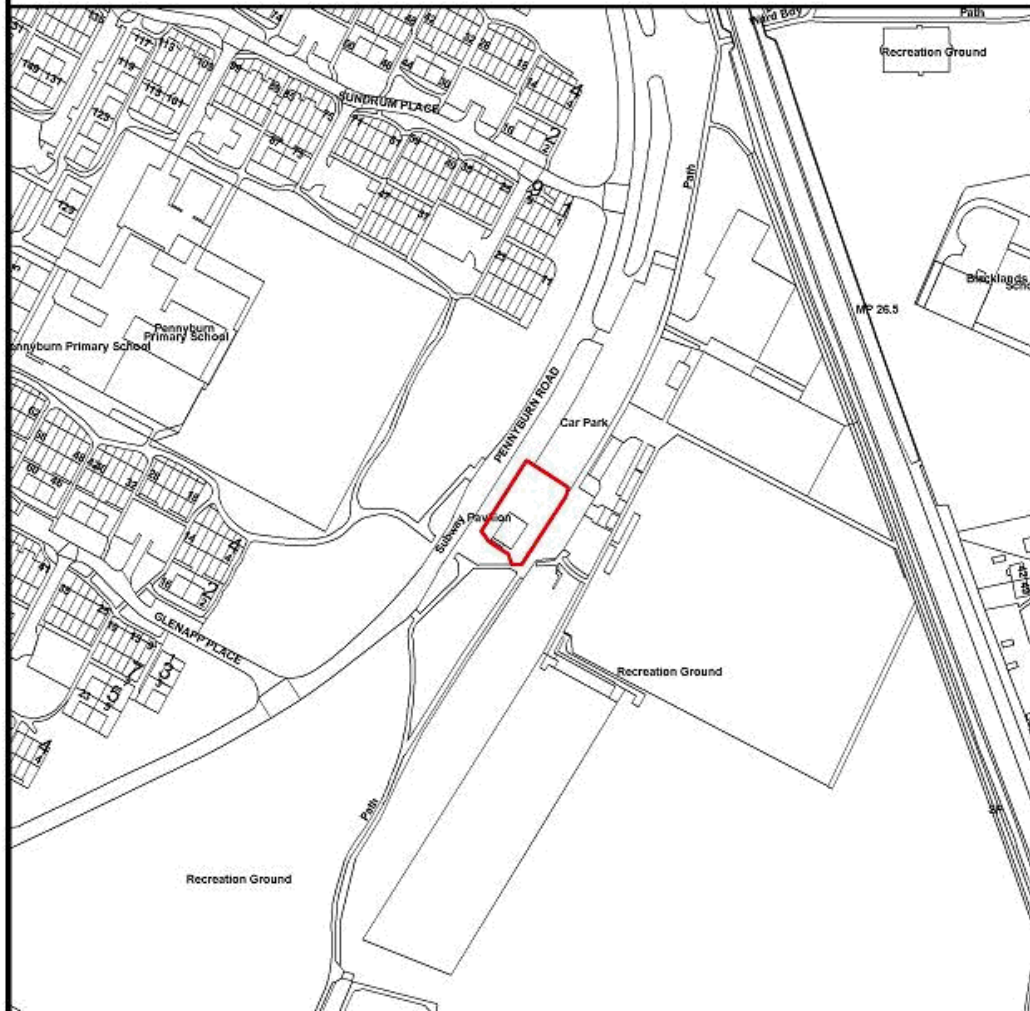
Grant (No conditions).

Reason(s) for approval:

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

Committee Plans

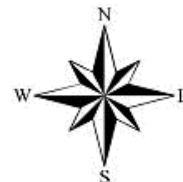
12/00411/PP



NORTH AYRSHIRE
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NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

24 October 2012

Planning Area

North Coast and Cumbraes

Reference

12/00480/PP

Application

28th August 2012

Registered

Decision Due

28th October 2012

Ward

North Coast and Cumbraes

Recommendation	Grant subject to the conditions contained in Appendix 1
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LocationSite to South of 2 Ninian Street
Millport
Isle of Cumbrae**Applicant**Firthport
50 Shawmoss Road
GLASGOW
G41 4AD**Proposal**

Erection of detached dwellinghouse including balcony.

1. Description

This is an application for the erection of a detached dwellinghouse within the garden ground of a dwellinghouse at no. 2 Ninian Street, Millport, on the northern side of Ninian Street. The application site is set back from Ninian Street, which is the north-eastern boundary of Millport Conservation Area, by approximately 45 metres and a private access road provides access to the site. The area is characterised by a mixture of one-and-a-half, two- and two-and-a-half storey sandstone and render buildings, with a variety of hipped and gabled roofs.

The two-storey donor dwellinghouse at no. 2 Ninian Street is set within a large curtilage, and is bounded by other dwellinghouses and a playground to the south of the site. The playground area is leased by North Ayrshire Council Estates, from Bute Estates. The dwellinghouse would be situated to the south-west of the donor dwellinghouse and would replace an existing redundant outhouse.

The dwellinghouse would be two-and-a-half storey providing a carport, bathroom and a bedroom on the ground floor, a bathroom and an open plan kitchen/dining/living area on the first floor and a master bedroom with en-suite facilities on the upper level of the dwellinghouse. The dwellinghouse would be 5.2 metres wide, 8.7 metres deep and have a pitched roof approximately 8.2 metres high. The dwellinghouse would be finished in render and grey roof tiles. Within the carport there would be one parking space and a bin storage area. A balcony would be formed on the south elevation of the dwellinghouse, providing the main outlook from the dwellinghouse and a dormer with a flat roof would be formed on the east elevation of the dwellinghouse.

Planning permission (ref. 11/00514/PP) was approved with conditions on the 11 October 2011, for the erection of a detached holiday home, whilst this application is for a permanent dwellinghouse with amendments to the design of the dwellinghouse. The approved holiday home consisted of a two-storey detached property with a pitched roof. To address Officer's concerns about the level of parking provision and the design and height of the proposed dwellinghouse, the applicant has submitted amended plans.

The application site is located within a residential area of Millport as identified within the North Ayrshire Local Plan (Excluding Isle of Arran), therefore, the proposal requires to be assessed against Policy RES 1. Policy RES 1 states that proposals for residential development in areas allocated for housing on the Local Plan Map shall accord with the Local Plan.

The southern section of the application site is within the adjacent Ninian Park, which is identified as an area of leisure and open space within the adopted Local Plan, where Policy OS 1 that relates to Protection of Open Space is relevant. Policy OS 1 states that the development of land identified on the Local Plan Map as protected leisure and open space, including school playing fields, and small areas of recreational and amenity open space, not individually identified on the Local Plan Map, shall not accord with the Local Plan unless it can satisfy the following criteria:

1. The proposed development will not have a detrimental impact upon the amenity, character and appearance of the area; and
2. Where the proposed development is for an outdoor recreational or leisure use, it will:
 - (a) improve the quality and range of sports or leisure facilities within the Local Plan area; and
 - (b) not lead to a net loss of open space or playing fields; or
3. Where the proposed development is for a use other than outdoor recreational or leisure purposes, it will:
 - (a) not adversely affect the recreational value of any area of active or passive open space when considered in relation to the overall level of provision in the local area;
 - (b) not set an undesirable precedent for further incremental loss of open space; and
4. Where the development affects existing playing fields or other outdoor recreational facilities, there will be no loss of amenity and alternative provision of equal community benefit and accessibility will be made available.

The proposal also requires to be assessed against the Development Control Statement of the adopted Local Plan, which states that the development should have regard to the amenity of the surrounding area with respect to siting, design and privacy, etc.

2. Consultations and Representations

Neighbour/owner notification have been carried out and the application was advertised in the local press on 5 September 2012. No objections/representations have been received.

Consultations:

Scottish Water - no objections. A totally separate drainage system would be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Response: planning conditions could be imposed in this regard.

Infrastructure and Design Services (Roads) - no objections subject to conditions. Hardstanding area for bins should be provided outwith the sightlines, the private access track should be upgraded and visibility splays maintained at the junction with the public road. One vehicle parking space should be provided and the access to the carport remain open with neither a gate nor a door.

Response: planning conditions could be imposed in this regard.

North Ayrshire Council Estates - no comments.

3. Analysis

The application site is located within the residential area of Millport, therefore, it is considered that the proposal would comply in principle with Policy RES 1.

The southern section of the application site is within the adjacent Ninian Park, to accommodate the balcony overhang, which is allocated as an area of leisure and open space, therefore the proposal requires to be assessed against Policy OS 1 of the adopted Local Plan. This balcony overhang would be approximately 8 square metres, which would not have a detrimental impact upon the amenity, character and appearance of the area and would not adversely affect the recreational value of the area of open space, when considered in relation to the overall level of provision in the local area. The development would not set an undesirable precedent for further incremental loss of open space. It is, therefore, considered that the proposal would comply with Policy OS 1.

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan relating to siting, design and external appearance; its impact on amenity; access, road layout and parking provision; and water and sewerage.

The dwellinghouse would be located on the footprint of an existing redundant outhouse which would be acceptable. The scale and finishes, in render and grey roof tiles with a slate appearance, are considered to be acceptable. Amended plans have been submitted relating to the height and design of the dwellinghouse, resulting in a significant improvement to its design, all of which are now acceptable.

With regard to amenity, it is considered that the dwellinghouse would have an acceptable standard of residential amenity for a permanent dwellinghouse. The garden would be to the north and east of the dwellinghouse with an area in excess of 100 square metres. Furthermore, the agent has advised that the garden area of the donor dwellinghouse would also be shared. There would be ample garden ground remaining for the donor dwellinghouse, and the proposal would not have a detrimental impact on the amenity of the donor dwellinghouse. There would be no significant adverse impacts with overlooking, loss of privacy or overshadowing as a result of the development, therefore there would be no significant adverse impact on the amenity of the residential area. The outlook of the property would be to the south, which would be enhanced with the provision of a balcony.

In terms of access, road layout and parking provision and water and sewerage, Infrastructure and Design Services (Roads) and Scottish Water offer no objections, subject to matters which can be addressed by planning conditions. It is, therefore, considered that the proposal would accord with Policies RES 1 and OS 1, and the relevant criteria of the Development Control Statement of the adopted Local Plan. Planning permission can be granted subject to conditions.

4. Full Recommendation

See Appendix 1.



Ian T Mackay
Solicitor to the Council

Corporate Services
Cunninghame House, Irvine
10 September 2012

For further information please contact Julie Hanna, Planning Officer , on
telephone number 01294 324330
JH/FG

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00480/PP

Grant subject to the following conditions:-

1. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, details or samples of the proposed external finishes. The roofing material shall be natural or artificial slate.
2. That, prior to the commencement of the development, details of the proposed balustrading for the balcony, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority.
3. That, prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter, any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to its occupation, the proposed dwellinghouse shall be provided with an adequate and wholesome water supply, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.
5. That, prior to the occupation of the dwellinghouse, hereby approved, (i) the hardstanding area for the bins shall be provided outwith the sightlines; (ii) the access track shall be upgraded; (iii) the visibility splays shall be maintained at the junction with the public road; (iv) one vehicle space shall be provided within the carport and maintained for parking purposes at all times; and (v) the access to the carport shall remain open with no gate or door, all to the satisfaction of North Ayrshire Council as Planning Authority.

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

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

3. To meet the requirements of Scottish Water.
4. To ensure that the development is provided with an adequate and wholesome water supply.
5. To meet the requirements of North Ayrshire Council as Roads Authority.

Reason(s) for approval:

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

Committee Plans

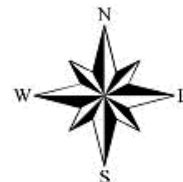
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NORTH AYRSHIRE COUNCIL

Agenda Item 5

24 October 2012

Planning Committee

Subject: **Notice Under Section 179 of The Town and Country Planning (Scotland) Act 1997 - Stevenston, 22 Burnlea Place**

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

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

1. Introduction

- 1.1 This report recommends the service of a Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the building and land at 22 Burnlea Place, Stevenston. A Wasteland Notice allows the Council, as Planning Authority, to serve on the owner, lessee and occupier of land, which is adversely affecting the amenity of any part of their area, a Notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The property is an end of terrace dwelling house located at the western end of Burnlea Place on its northern side. Burnlea Place is part of the Hayocks residential area, Stevenston. To the west of the property, is public open space, with public access along footpaths between other residential streets, including Elms Place and Campbell Avenue. To the north of the property, are the rear gardens of properties on Ashgrove Avenue. The area is predominately residential.
- 1.3 The property is vacant and both the windows and doors of the property are boarded up, the boards are in various states of disrepair. The gardens have accumulated rubbish, with white goods, furniture and other large items of domestic waste, all dumped in the garden of the property. At the northern end of the rear garden there is the remains of a wooden shed-like structure. Along the western boundary of the property, there is the remains of a collapsed breeze block wall.

- 1.4 The condition of the property, in particular the accumulation of rubbish and refuse and the remains of the wall and shed, have a significant adverse impact on the amenity of the local area.

2. Current Position

- 2.1 On 12 July 2010, a complaint was received about waste gas canisters and general rubbish left at the property. An inspection revealed that the waste gas canisters had subsequently been removed from the property by the Fire Brigade. The property was vacant and the gardens overgrown but it was considered at that stage that no further action was merited.
- 2.2 Following further complaints about the state of the land in 2012, an inspection of the property was carried out on 31 July 2012. The property remained vacant; however, there had been an accumulation of rubbish on site including the remains of the shed and the collapsed western boundary wall. The owner of the property was identified by Legal Services, through a search of the Register of Scotland. A letter dated 7 August 2012 was sent to the owner of the property advising that the Council had serious concerns regarding the state of the property. The letter asked for written confirmation of the owner's plans and proposed timescales to clear the site of the accumulated rubbish as well as an indication of the proposals for the property, which had been vacant for some time. The letter also stated that the Council as Planning Authority can require steps to be taken to bring land into a condition where it does not have an adverse impact on local amenity. A period of 21 days was given for a response. No response was received.
- 2.3 A further inspection of the property on 4 September 2012 revealed that no works had been carried out to improve the appearance of the property, indeed it appeared that further rubbish had accumulated on site.
- 2.4 A further letter, dated 6 September 2012, was sent to the owner. This letter again stated that the land is in a poor condition and the Council, as Planning Authority, can require steps to be taken to bring the land into a condition where it does not have an adverse impact on local amenity. The letter stated that as no confirmation of their intentions to clear the site had been received, formal enforcement action would be commenced. Fourteen days were given for any representations to be made to be taken into account when considering the expediency of enforcement action. No response was received.

3. Proposals

- 3.1 The condition of the land and building at 22 Burnlea Place, Stevenston is having a significant adverse impact upon the amenity of the area. In the interests of the amenity of the area it is proposed that a Notice under Section 179 of The Town and Country Planning (Scotland) Act 1997 be served to secure the following:-

- (i) Remove all rubbish and refuse from the front, side and rear gardens of the property, including the burnt remains of the wooden structure in the rear garden and the remains of the collapsed breeze block wall along the western boundary.
- (ii) Maintain and renew as necessary boarding over the windows and doors of the building.

4. Implications

Financial Implications

- 4.1 Should any requirement of the Notice not be complied with following the expiry of the compliance period, the Council as Planning Authority may enter the land and carry out such steps in order to achieve compliance with the requirements of the Notice. The Council may then seek to recover from the person who is the then owner or lessee any expenses reasonably incurred during the carrying out of those works.

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 The proposed Wasteland Notice is in accordance with the statutory regulations.

Equality Implications

- 4.4 N/A

Environmental Implications

- 4.5 N/A

Implications for Key Priorities

- 4.6 The proposed Wasteland Notice supports the Single Outcome Agreement, Local Outcome 12A "The Environment is Protected and Enhanced."

5. Consultations

- 5.1 Finance and Infrastructure Services has been advised of the report in terms of budgetary provision.

6. Conclusion

- 6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to take steps to abate the significant adverse impact, which the condition of the property has upon local amenity, with no action being taken by them to deal with the situation. The service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 would appear the only option open to the Council to ensure the adverse impact on local amenity is abated.



IAN T MACKAY
Solicitor to the Council

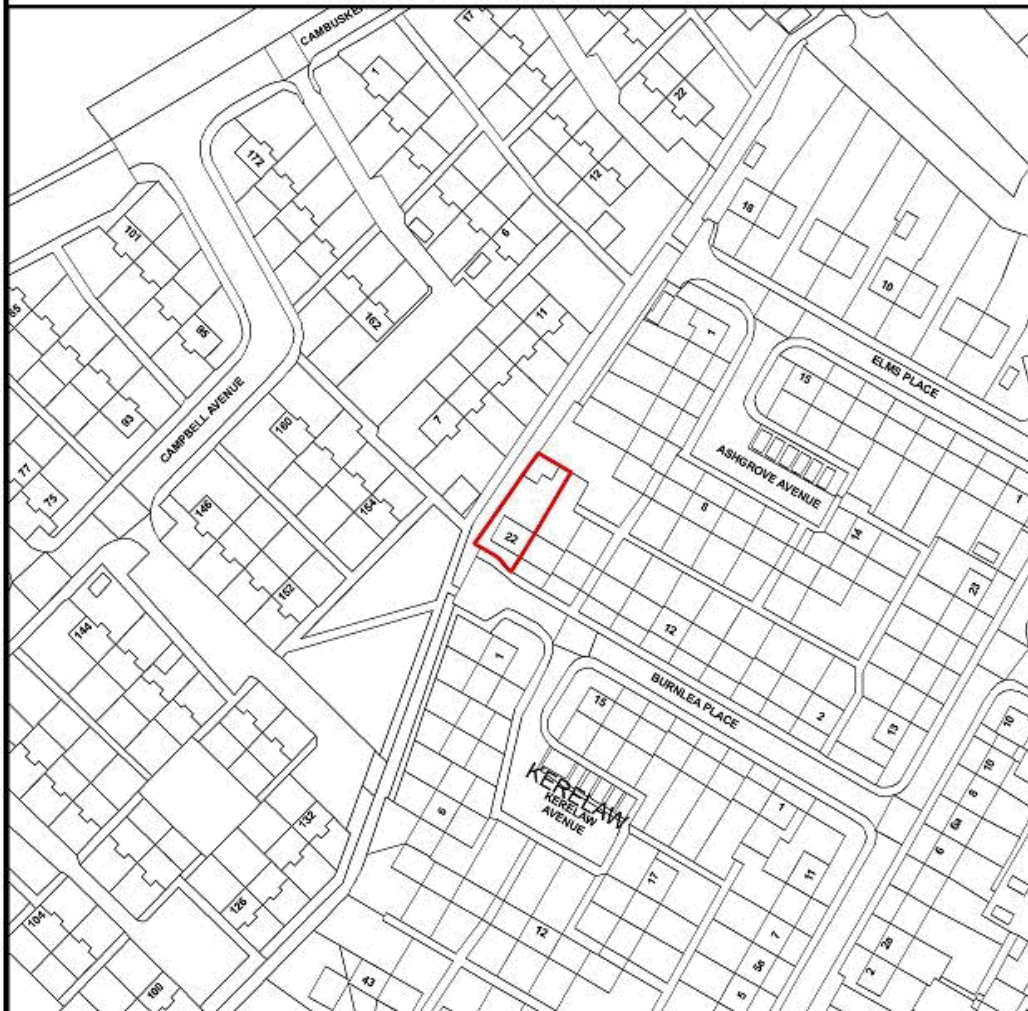
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For further information please contact Iain Davies, Planning Inspector on telephone number 01294 324320

Background Papers

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Notice Under Section 179 of The Town & Country
Planning (Scotland) Act 1997 - Stevenston,
22 Burnlea Place



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