

Planning Committee  
5 June 2013

**IRVINE, 5 June 2013** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

**In Attendance**

J Miller, Senior Planning Services Manager and J Smith, Senior Manager Development Planning (Development and Environment); J. Law, Solicitor (Contracts and Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Joe Cullinane.

**1. Declarations of Interest**

In terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors:-

- The Clerk intimated that Councillor Marshall, as a Director of North Ayrshire Leisure Limited, had declared a non financial interest in Agenda Item 3 (12/00197/CAC, 13/00046/PPM and 13/00047/LBC: Irvine: Irvine Townhouse and surrounds including land to east and north east bounded by East Road and High Street) and had therefore excused himself from the meeting for that item of business.
- Councillor Barr, by association to the applicant, declared an indirect, non financial interest in Agenda Item 4.3 (13/00249/ALO: Dalry: Site to the north east of Birkentop Farm) and withdraw from the meeting taking no part in the discussion on that item of business.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 15 May 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

### 3. Deputations

#### Irvine/Kilwinning

##### **12/00197/CAC, 13/00046/PPM & 13/00047/LBC: Irvine: Irvine Townhouse and surrounds including land to east and north east bounded by East Road and High Street**

North Ayrshire Council Property Management and Investment, Perceton House, Perceton, Irvine have applied for conservation area consent, listed building consent and planning permission in connection with the erection of a community, cultural and leisure centre, including the refurbishment of the Townhouse, relocation of the war memorial, development of the car park and other associated works at Irvine Townhouse and surrounds, including land to east and north east bounded by East Road and High Street, Irvine. 270 letters of objection and 8 petitions, with a total of 3,600 signatures, have been received, as detailed in the report.

Mr Bain (Irvine Community Council), Mr Milligan (on behalf of local residents) and Mr Dewar (representing the elderly within the community) addressed the Committee in support of their objections.

Mr Yuille (Project Manager), Mr Lawless (LA Architects) and Mr Zanna (Mayer Brown) then addressed the Committee in response to the issues raised.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- the number of private, public and on street parking spaces;
- the parking strategy for the whole town centre area;
- the number of designated parking spaces in relation to the development;
- the number of estimated visitors to the facility;
- the estimated number of delivery lorries visiting the site;
- reference models of other leisure centres situated within town centres; and
- the survey undertaken by the objectors in relation to parking at the Magnum site.

The Senior Planning Services Manager then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- the dedicated 40 space car park at East Road;
- the new car parking provision adjacent to Aldi and the capital budget commitment for this to be provided in the current financial year;
- the trees to be planted next to the war memorial in front of the proposed development;

- the dimensions of the access off East Road; and
- the establishment of a traffic management scheme from the new car park adjacent to Aldi to the proposed development.

The objectors then had a final opportunity to raise any points arising from the information provided by the Senior Planning Services Manager and commented on the need for a car parking strategy if it has been determined that there is enough car parking in the area.

Councillor Barr, seconded by Councillor Steel, moved that the Committee refuse the applications on the grounds that there is inadequate public parking facilities in the area.

As an amendment, Councillor Ferguson, seconded by Councillor McNicol, moved that the Committee approve the applications subject to the conditions detailed within the report.

On a division, there voted for the amendment 4 and for the motion 4. On the casting vote of the Chair, the amendment was declared carried.

Accordingly, the Committee agreed (a) to grant planning permission subject to the following conditions:-

1. Prior to the commencement of the development hereby approved, full details of all external materials and treatments to be used in the construction of the leisure centre shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Such details shall include items such as: cladding, window frames, glazing panels, doors, roof coverings, walling materials, rooflights, rainwater goods, etc.
2. No development shall take place within the 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 to and approved in writing 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.

3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken 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 meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme submitted for the written approval 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 to the North Ayrshire Council.

4. Prior to the commencement of the use of the development, hereby approved, cycle parking facilities equating to a minimum of 10% of the peak levels of staff and visitors, shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of the location, specification and design of such cycle parking provision facilities shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

5. A "Current Footway Condition Survey" shall be undertaken, to a scope agreed in advance with North Ayrshire Council as Planning Authority prior to the commencement of the development hereby approved. Any necessary improvements' required to accommodate the use anticipated by the development and any repairs to footway construction, relating to damage occurring during the period of construction shall be undertaken to the satisfaction of North Ayrshire Council, all within a timescale agreed in writing with North Ayrshire Council as Planning Authority.

6. Prior to the commencement of the use of the development, hereby approved, a Travel Plan shall be prepared and submitted for the written approval of North Ayrshire Council as Planning Authority. Such a Travel Plan shall include active travel proposals for both staff and visitors and an associated signage strategy, as well as any measures to reduce car trips. The recommendations of any such approved Travel Plan shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan.

7. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

8. Prior to the commencement of the use of the development, hereby approved, details specifying that adequate provision of real time public transport information shall be available within the proposed leisure centre shall be submitted to and approved by North Ayrshire Council as Planning Authority.

9. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

10. Prior to the first operation of the hereby approved leisure centre full details of the following matters shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority: Full details of the works to the car park on east road; details of the amendments to the Traffic Regulation Order (TRO) for Bank Street and High Street, to allow use by cyclists and buses associated to the use of the hereby approved development, and a timescale for implementation thereof, or other suitable arrangements; provision of a TRO over two laybys adjacent to the development, and a timescale for implementation thereof, or other suitable arrangements; details of the provision of directional signage to and from nearby car parks and Irvine rail station; and, details of provision of directional signage to car parks within Irvine Town Centre, some of which may be electronic and detail space availability.

11. Prior to the commencement of development a revised Drainage Impact Assessment (DIA) shall be submitted to and approved by North Ayrshire Council as Planning Authority.

12. Prior to the commencement of the use of the development, hereby approved, detailed proposals showing how the provision of public art shall be integrated into the development shall be submitted to and approved by North Ayrshire Council as Planning Authority.

13. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

14. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

15. Within 6 months of the date of this planning permission full details of the hard and soft landscaping, including: street furniture; litter bins; fences; gates and bollards, shall be submitted for the prior approval of North Ayrshire Council as Planning Authority.

16. Reverberant music levels within the sports hall shall be limited to 86 dBA, to ensure that noise breakout arising from entertainment does not exceed the World Health Organisation guidance level of 50 dB at the nearest noise sensitive property.

17. All noise attenuation measures, as specified in the supporting Noise Impact Assessment, dated 15th May 2013, (or other measures of equal effect) shall be incorporated into the building to adequately reduce noise levels at nearby noise sensitive property. Confirmation that such measures have been incorporated, including details thereof, shall be provided in writing from a suitably qualified person.

(b) to grant conservation area consent subject to (i) Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and (ii) the following conditions:-

1. No demolition works to the 'original' part(s) of the former police station and the 'Annick Centre' shall be undertaken until such time as contracts are let in relation to the hereby approved replacement leisure centre development. Details of such contracts shall be provided to North Ayrshire Council as Planning Authority in advance of demolition works.

2. Prior to any demolition works being undertaken to the 'original' part(s) of the former police station and the 'Annick Centre' the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), Threatened Building Survey Unit, shall be permitted reasonable access to record the building, for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken without the express consent of North Ayrshire Council as Planning Authority.

3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken 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 meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme submitted for the written approval 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 to the North Ayrshire Council.

4. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

5. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

6. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

7. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

and (c) to grant listed building consent subject to (i) Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; and (ii) the following condition:-

1. Prior to the undertaking of relevant works, full details of the repair and restoration works to both the exterior and interior of the Townhouse, including: details, and where appropriate samples of materials, and colour schemes for interiors, shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.

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

##### **4.1 12/00526/PP: Dalry: Site to North of Baidland Hill**

Community Windpower, Godscroft Lane, Frodsham, Cheshire have applied for planning permission for an extension to the existing wind farm comprising of 2 additional wind turbines measuring 74.5m high to hub and 125m high to blade tip at a site to the north of Baidland Hill, Dalry.

Consideration of this application was continued at the meeting of the Planning Committee on 15 May 2013 following a motion that the application be remitted to Officers for determination under delegated authority. The item was continued to the next meeting to receive legal advice on the appropriateness of remitting the matter to Officers.



The Head of Democratic and Administration Services subsequently advised that in his view the Committee could decide that the application should be dealt with under delegated powers.

The Committee noted that the application would be dealt with under delegated powers.

#### **4.2 13/00262/ADC: Kilbirnie: 1 Bridgend**

Kilbirnie Dental Surgery, c/o Nick Wright Planning, 276 Main Road, Elderslie have applied for retrospective planning permission for the erection of two halo lit fascia signs to side elevations and two externally illuminated trough fascia signs to front of dental surgery at 1 Bridgend, Kilbrinie.

Councillor Bell, seconded by Councillor Montgomerie, moved that planning permission for the signs be granted as the property was not in a conservation area, was not a listed building, and the signs were required to advertise the Dental Surgery.

As an amendment, Councillor McNicol, seconded by Councillor Steel, moved that the application be refused and that planning officers work with the proprietors with a view to securing the erection of suitable signage at the property.

On a division, there voted for the amendment 5 and for the motion 3 and the amendment was declared carried.

Accordingly, the Committee agreed to refuse the application and that planning officers work with the proprietors with a view to securing the erection of suitable signage at the property.

#### **4.3 13/00249/ALO: Dalry: Site to the north east of Birkentop Farm**

Colin J. Smith, Birkentop Farm, Dalry has applied for the removal of the Section 75 Agreement attached to planning permission 07/01192/PP relating to occupancy restriction at a site to the north east of Birkentop Farm, Dalry.

Councillor McNicol, seconded by Councillor Steel, moved that the Committee agree to the removal of the Section 75 Agreement attached to planning permission 07/01192/PP.

As an amendment, Councillor Ferguson, seconded by Councillor Bell, moved that the Committee refuse the application for removal of the Section 75 Agreement for the reason contained in the report.

On a division, there voted for the amendment 3 and for the motion 5 and the motion was declared carried.

Accordingly, the Committee agreed to the removal of the Section 75 Agreement attached to planning permission 07/01192/PP for the following reason:-

1. The proposal does not comply with the relevant provisions of the development plan, however other material considerations associated to the fact the development has commenced and that the business operation has expanded since the decision on application N/07/01192/PP was made indicate otherwise, and permission should be granted for the removal of the occupancy restriction.

## **5. Irvine/Kilwinning**

### **5.1 13/00270/PP: Irvine: Montgomerie Park: Site to East of 5 Earlswood Avenue**

Persimmon Homes Limited, 180 Findochty Street, Garthamlock, Glasgow have applied for planning permission for the siting of temporary sales cabin for a period of 3 years with associated parking and landscaping at a site to the east of 5 Earlswood Avenue, Montgomerie Park, Irvine.

The Committee agreed to grant the application subject to (i) no material objections being received by 21 June 2013, and (ii) the following conditions:-

1. That the sales cabin and surfaced car park hereby permitted shall be removed and the land restored to its former condition on or before 5 June 2016.

2. That prior to the commencement of the development hereby approved, details of a proposed landscaping scheme, including full details of species, planting schedule, maintenance of grass verges, proposed aftercare etc shall be submitted for the written approval of North Ayrshire Council as Planning Authority and that such details as may be approved shall thereafter be implemented and maintained to the satisfaction of the Planning Authority.

3. That, for the avoidance of any doubt and notwithstanding the details shown on the approved plan (ref: Sales-01 revB), no element of signage either freestanding or attached to the cabin is hereby approved.

### **5.2 13/00015/PPM: Irvine: Harbour Street: Irvine Beach Park**

The Ayrshire Golf Company Ltd, c/o Credential Holdings, 8 Elmbank Gardens, Glasgow has applied for planning permission for the formation of an 18 hole links golf course with associated residential development consisting of hotel (with spa, 50 rooms, plus 150 two bed suites for fractional use) and 176 apartments in blocks of 4 (to include the option of 70 as residential units for sale) together with associated roads, parking pathways and landscaping at Irvine Beach Park, Harbour Street, Irvine. 13 objections have been received, as detailed in the report.

The Senior Planning Services Manager advised Members on a proposed revision to the phasing of the development by the applicant to allow the formation of the golf course and erection of the fractional ownership apartments prior to the erection of the hotel.

Members discussed the applicant's request but considered that in the interests of the proper planning of the area and the special justification for the development the grant of planning permission should clearly specify the phasing of the proposed development within the conditions as:-

- Phase 1 - Road alterations, path diversions and formation of golf course;
- Phase 2 - Erection of hotel; and
- Phase 3 - Erection of fractional golf villas.

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

1. That, prior to the commencement of the development, the applicant shall undertake an agreed full and detailed Site Investigation and Quantitative Risk Assessment and prepare a Remediation Strategy, which shall include measures for the treatment of any invasive species within the site, to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.

2. That, on completion of the proposed works, written verification from a suitably qualified Environmental Consultant detailing the remediation measures undertaken, shall be submitted to North Ayrshire Council as Planning Authority.

3. That, prior to the commencement of the development, hereby approved, a detailed drainage plan shall be submitted for the development, including full details of the proposed diversion of the Broadhow Burn. For the avoidance of doubt, the Broadhow Burn outfall shall be well away from the SSSI and to the satisfaction of North Ayrshire Council as Planning Authority in consultation with SNH. In addition, confirmation that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, such a scheme shall be self certified by a suitably qualified person, a copy of which shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, waste management plans indicating how waste will be minimised and managed during (a) the construction phase and (b) the operational phase shall be submitted for the written approval of North Ayrshire Council as Planning Authority. This shall include details of waste management arrangements for the hotel and golf lodges.

5. That, the phasing plan of the development shall be:

Phase 1 - Road alterations, path diversions and formation of golf course;

Phase 2 - Erection of hotel; and

Phase 3 - Erection of fractional golf villas;

all to the satisfaction of North Ayrshire Council as Planning Authority. The development shall be implemented only in accordance with this phasing plan, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, full design details for all of the new paths (including NCN 7, Core Paths, Ayrshire Coastal Path and all other routes), which shall be to multi-user and all-abilities access standard, the new roads and road re-alignment works, new parking areas, and new roundabout, together with details of interim measures to safeguard linkages where existing sections of routes are being diverted, details of alternative parking areas during construction and details of signposting (both during and after construction operations) shall be submitted for the written approval of North Ayrshire Council as Planning Authority in conjunction with Scottish Natural Heritage. Any infrastructure improvements, alterations, additions and/or removal shall conform to the current local and national guidance, all to the satisfaction North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

7. That, prior to the commencement of the development of the golf lodges adjacent to either side of Marine Drive, a noise impact assessment prepared by a suitably qualified person and in accordance with the Technical Advice Note of PAN 1/2011 shall be undertaken to identify the noise control measures which are required to ensure that the following noise levels are not exceeded at or adjacent to any of the proposed noise sensitive properties:

LAeq, 16 hour (0700-2300) (day) : 50 db

LAeq, 8 hour (2300-0700) (night): 40 db.

The noise impact assessment shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any measures as may be approved shall be implemented within the relevant parts of the development to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the commencement of the development of the golf lodges adjacent to either side of Marine Drive, a Vibration Survey Report shall be prepared by a suitably qualified person in accordance with the terms of BS 6472:1992 'Evaluation of Human Response to Vibration in Buildings'. The report shall show the vibration incident on the site and include recommendations regarding any measures to be incorporated into the building design to achieve the necessary vibration attenuation. The report shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, any measures as may be approved shall be implemented within the relevant parts of the development to the satisfaction of North Ayrshire Council as Planning Authority.

9. That, prior to the commencement of the development the developer shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the finished ground and building floor levels, external finishes for all buildings, and details of storage buildings, bin enclosures, sub-stations, lighting, feature walls and boundary treatments within the development, together with details of any minor design changes.

10. That, prior to the commencement of the development, details of an alternative site within the Beach Park for the dragon sculpture shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, prior to the commencement of the development, the dragon shall be dismantled, carefully stored and re-erected on the approved site, all to the satisfaction of North Ayrshire Council as Planning Authority.

11. 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 for each development phase, 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.

12. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority, in conjunction with Scottish Natural Heritage, an Estate Management Plan (EMP). This shall include both the golf course and path management. An annual review of the EMP shall be undertaken and shall include the obligation to alter estate management practices, including path construction, design and location, should the paths associated with this development increase the damage to the SSSI.

13. That a project ecologist, approved by North Ayrshire Council as Planning Authority, shall be appointed by the developer or agent, as appropriate, prior to the commencement of the development in order to supervise all site operations which involve ground disturbance, vegetation clearance, soil tipping, drainage works, habitat disturbance and other operations as detailed in the Construction Method Statement. Furthermore, prior to the commencement of the development, hereby approved, a follow-up report to the Construction Method Statement shall be prepared, detailing all measures to be taken to safeguard the ecology of the site, both during construction and the subsequent operation of the development. The report shall be submitted for the written approval of North Ayrshire Council as Planning Authority and, thereafter, the details as may be approved shall be implemented during the construction and operational stages of the development.

14. That the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

15. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.

16. That no vegetation clearance, digging, or soil stripping shall be carried out during the bird breeding season (March to July inclusive) in any part of the development site unless a breeding bird survey is undertaken immediately prior to the undertaking of any such works to identify any potential nesting sites which may be affected, together with details of measures to safeguard such nests.

17. 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 completion of each phase of the development. Any trees or plants which, within a period of five years from the completion of each phase 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.

18. That the occupation of the apartments within the golf lodges shall be limited to fractional holiday accommodation, including the option of a maximum of 70 units available for sale as market housing in the event of a special need arising following their initial use. For the avoidance of doubt, the initial use of all lodges and units built shall be as fractional holiday accommodation. Details of any special need which may arise shall be notified to North Ayrshire Council as Planning Authority, which shall include details of the plot number(s) affected. Any fractional units disposed of in this way shall not be concentrated within any one area of the development in order to safeguard integrity and cohesiveness of the overall development as a holiday resort.

19. That notwithstanding the permitted development rights granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the application site.

20. That, prior to the commencement of the development, a travel plan shall be produced which shall include details of cycle parking provision within the development site. For the avoidance of doubt, the level of cycling provision shall be in accordance with the Cycling Action Plan for Scotland and provide for 10% of peak visitor numbers and staffing levels. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

## **6. North Coast and Cumbraes**

### **13/00261/PP: Largs: Warrenpark Road: Public Garden**

Largs Events, 49B George Street, Largs have applied for planning permission for the formation of Viking Memorial Garden in the existing public garden at Public Garden, Warrenpark Road, Largs. One letter of representation and 25 letters of objection have been received, as detailed in the report.

The Senior Planning Services Manager advised that an additional representation letter, signed by 9 residents in the area, had been received in respect of this application.

Councillor Marshall, seconded by Councillor Brown, moved that the application be refused on the grounds that it would have a significant adverse impact on the amenity of the area. There being no amendment, the motion was carried.

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. That, the proposed development would be contrary to Criteria (a) and (b) of the Development Control Statement of the North Ayrshire Local Plan (Excluding Isle of Arran), as it would comprise inappropriate siting of development to the detriment of the setting of the area and would have a significant adverse impact on the amenity of the residential area

The meeting ended at 4.40 p.m.