



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Cunninghame House,  
Irvine.

20 August 2015

## **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 26 AUGUST 2015** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes (Page 5)**

The accuracy of the Minutes of meeting of the Committee held on 24 June 2015 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3. Ardrossan Saltcoats and Stevenston**

Submit report on the following application:

**3.1 15/00279/MDPO: Coalhill Farm, Ardrossan (Page 7)**

Removal of S75 obligation for agricultural occupancy restriction (copy enclosed).

**4. Garnock Valley**

Submit report on the following application:

**4.1 15/00319/ALO: Site to north of Ford Wood, Kilbirnie (Page 15)**

Removal of Section 75 obligation attached to planning permission N/04/00552/PP relating to occupancy restriction (copy enclosed).

**5. Irvine/Kilwinning**

Submit report on the following application:

**5.1 15/00344/PPPM: Menzies Hotel, 46 Annick Road, Irvine (Page 25)**

Planning permission in principle for residential development and refurbishment works to hotel, including alterations to access, parking, landscaping and infrastructure (copy enclosed).

**6. North Coast and Cumbraes**

Submit reports on the following applications:

**6.1 15/00200/PPM: Blackshaw Farm, West Kilbride (Page 39)**

Erection of six wind turbines each with a maximum blade to a height of up to 125m and associated infrastructure including access tracks, hard standings, substation and control room, 80m meteorological masts, temporary construction of storage compound and borrow pits (copy enclosed).

**6.2 15/00371/PPPM: sportscotland National Centre Inverclyde (Page 65)**

Construction of a 60 bedroom, fully inclusive accommodation building with associated dining and conferencing facilities and the partial demolition and re-building of sports facilities to form a new gym and changing rooms, reconfiguration of road with associated car parking and landscaping works (copy enclosed).

**7. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: land at site of former, Ardeer Primary School, Garven Road, Stevenston (Page 77)**

Submit report by the Executive Director (Economy and Communities) on plans to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (copy enclosed).

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## Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
24 June 2015

**IRVINE, 24 June 2015** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, John Bell, John Bruce, Ian Clarkson, Joe Cullinane and Robert Steel

**In Attendance**

K. Yeomans, Executive Director, A. Hume, Senior Development Management Officer and G. Craig, Planning Officer (Economy and Communities); and A. Craig, Team Manager (Litigation) and M. Anderson, Acting Committee Services Manager (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Robert Barr, Tom Marshall and Ronnie McNicol

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the Committee held on 3 June 2015 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Ardrossan, Saltcoats and Stevenston**

**3.1 13/00509/MSCM : Ardrossan Harbour, Montgomerie Street, Ardrossan**

Ardrossan North Shore LLP, c/o Irvine bay Regeneration Company, 2 Cockburn Place, Irvine has applied for approval of matters specified in Condition 1 (in part) and 5 of Planning Permission 11/00685/PPPM as it relates to the construction of the road, coastal wall and revetment works at Ardrossan Harbour, Montgomerie Street, Ardrossan. 15 objections and three letters of representation have been received, as detailed in the report. Details of six further letters of representation, together with responses to the issues raised, were circulated at the meeting.

The Senior Management Officer clarified that the earlier planning permission referred to in Section 3 of the report was granted in April 2013.

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

1. That, in the event of the applicant failing to reach a formal agreement on the proposed ownership, management and maintenance measures for the proposed revetment submitted with this application, the applicant shall submit alternative proposals for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of any works on the revetment.
2. That the section of roadway hereby approved and the corresponding section of revetment shall be constructed to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of any dwellinghouse within the adjacent 'Phase 1' residential development.
3. That, prior to the commencement of the development hereby approved, the applicant shall submit full details of the proposed finishes for the wall and for the surfaces of the road, cycle path and footpaths.

### **3.2 14/00485/MSCM : Ardrossan Harbour, Montgomerie Street, Ardrossan**

Persimmon Homes Limited, 180 Findochty Street, Garthamlock, Glasgow has applied for approval of matters specified in Conditions 1, 6, 7 and 9 of Planning Permission 11/00685/PPPM for the erection of 106 dwelling units and associated infrastructure at Ardrossan Harbour, Montgomerie Street, Ardrossan.

The Senior Development Management Officer advised that this report had been withdrawn.

The Meeting ended at 2.30 p.m.

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3.1**

Planning Committee

**26 August 2015**

Planning Area

**Ardrossan Saltcoats and  
Stevenston**

Reference

**15/00279/MDPO**

Application

**21st May 2015**

Registered

Decision Due

**21st July 2015**

Ward

**Dalry and West Kilbride**

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**Recommendation****Approve without conditions as per  
Appendix 1**

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**Location**

Coalhill Farm, Ardrossan

**Applicant**Mr Allan Kerr Reid  
Coalhill Farm  
Ardrossan**Proposal**Removal of S75 obligation for agricultural  
occupancy restriction.

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**1. Description**

This report relates to an application in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal obligation that was entered in to under Section 75 of the Town and Country Planning (Scotland) Act 1997. The obligation was in relation to an occupancy restriction. An application for the erection of a detached dwellinghouse for an agricultural worker (ref: 05/00312/PP) was approved by the Planning Committee on 15<sup>th</sup> September 2005, subject to a Section 75 obligation and conditions. The legal obligation restricts the occupancy of the dwellinghouse to a person employed in agriculture at Coalhill Farm or a dependant of such a person. The farm is situated to the north of Ardrossan, on the east of the B780, directly opposite Busbie Muir Reservoir

The application site is located within the countryside as identified in the adopted Local Development Plan (LDP) and is unaffected by any site specific policies or proposals therein. The relevant policy is ENV 2 Housing Development in the Countryside - Housing for workers engaged in a rural business, which states that housing for workers engaged in an appropriate rural business, such as farming, shall accord with the LDP, subject to a range of criteria, including a genuine operational need for a dwellinghouse.

The application has been submitted due to a change of circumstances. The supporting statement, submitted with the application, indicates that one of the original applicants is no longer able to live and work at the farm due to deterioration in his health. The applicants wish to relocate to a more urban area in order to access essential facilities such as healthcare and public transport. In addition, the applicants state that improvements in technology and changing needs of the farm business mean that the requirement for two farmers to live on site is no longer required. The applicant's family propose that the occupancy restriction be removed in order to secure an occupier from out with the agricultural sector.

At the time of the decision to grant planning permission in principle, the determination of the application was based on the then adopted development plan policy. In this case, the policy was ENV 1 of the North Ayrshire Local Plan (Excluding Isle of Arran). This policy was broadly similar to the current LDP policy, and required proposals to demonstrate a "genuine operational need for a worker to live on site in pursuance of an established rural business" in order to justify the development of a new house in the countryside. A Labour Requirement Report was submitted with the application, which justified the erection of the dwelling house in relation to the need for two farmers to operate the farm in relation to the needs of the business. There were no issues raised by officers in relation to the siting or design of the proposal. The application was approved subject to a section 75 agreement, which restricted the occupancy of the dwelling house, in accordance with the policy.

## **2. Consultations and Representations**

Neighbour notification has been carried out and the application does not require to be advertised. No objections or representations were received. No consultations were undertaken.



### **3. Analysis**

The proposal requires to be considered in terms of the adopted Local Development Plan policy ENV 2 as well as any other material planning considerations. Policy ENV 2 relates to the circumstances under which new housing in the countryside can be justified. The application seeks to discharge the occupancy restriction attached to the Section 75 and provides a supporting statement in relation to the justification for the removal of this restriction.

In terms of the removal of occupancy conditions, the following points can be considered to be material considerations:

- (a) the dwellinghouse has been occupied for approximately 7 years by the applicant's mother and father;
- (b) the applicant's father is in poor health and wishes to relocate to a more urban area in order to access essential facilities such as healthcare and public transport;
- (c) the improvement of technology and changing needs of the business no longer requires two farmers to live on site; and
- (d) the applicant has indicated that the dwellinghouse is not required for himself or for a farm worker, in that there is currently a dwellinghouse at the site to serve the farm.

Whilst the applicant has not submitted any evidence of any attempts to dispose of the property on the open market, with the occupancy restriction, it is considered that for the above reasons there is no longer a requirement to maintain the occupancy restriction. In respect of any potential risks associated with the removal of the occupancy condition, Local Plan policies would address any future development or residential expansion within the site.

Finally in respect of the General Policy of the adopted Local Development Plan, it is considered that given the location of the property, relative to the farm activity, the proposal would offer an acceptable level of residential amenity, independent of the farm business. Therefore it is recommended that the occupancy restriction be removed, and the associated Section 75 agreement be discharged.

**4. Full Recommendation**

Approve without conditions as per Appendix 1



KAREN YEOMANS  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
15 June 2015

For further information please contact Ross Middleton, Senior Planning Officer ,  
on 01294 324379

APPENDIX 1

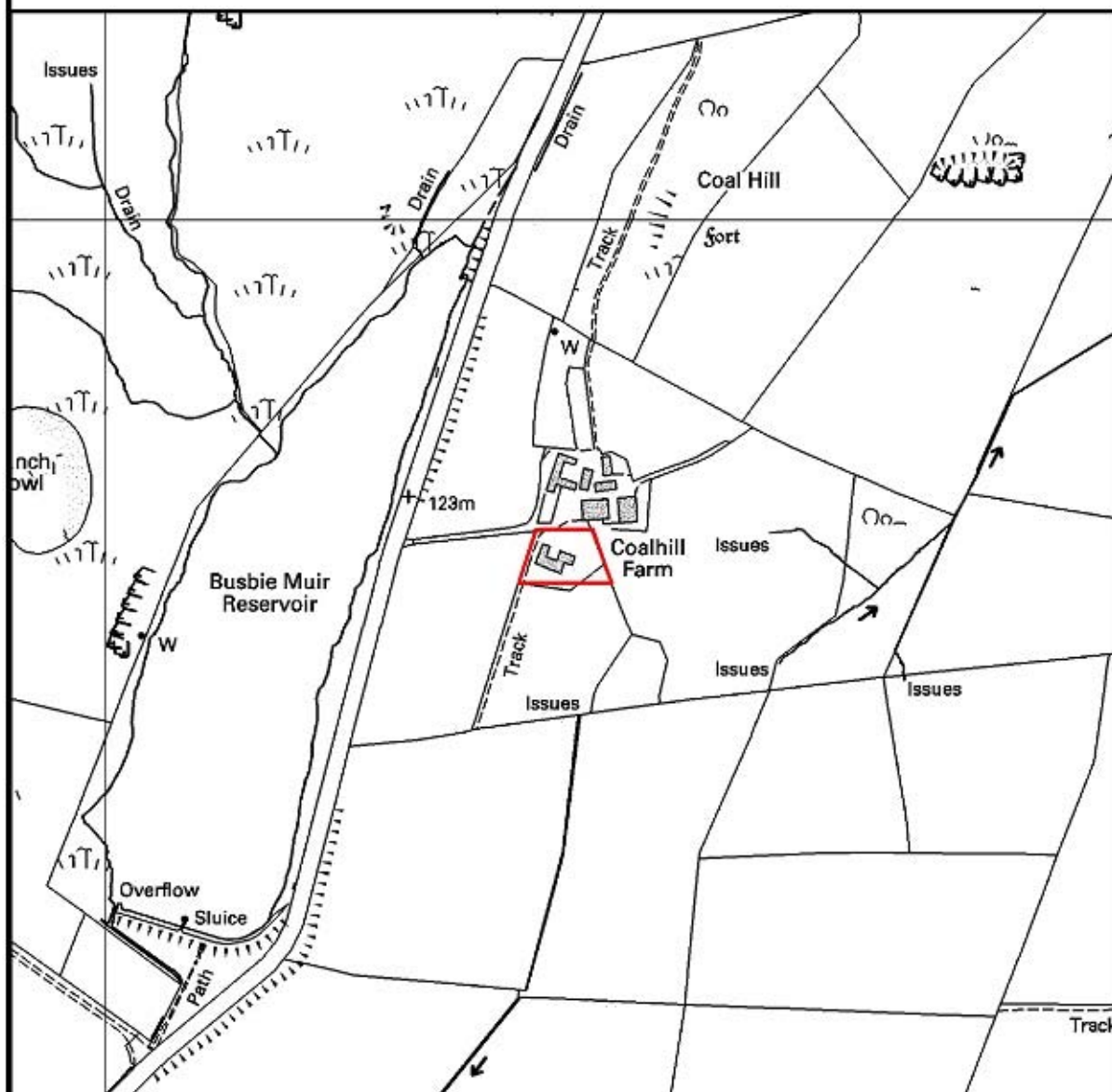
**RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00279/MDPO**

Grant and discharge the associated Section 75 Agreement.



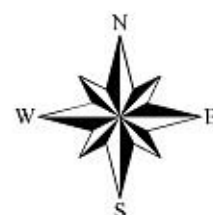
## Committee Plans

15/00279/MDPO



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4.1**

Planning Committee

**26 August 2015**

Planning Area

**Garnock Valley**

Reference

**15/00319/ALO**

Application

**4th June 2015**

Registered

Decision Due

**4th August 2015**

Ward

**Kilbirnie and Beith**

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<b>Recommendation</b>	<b>Refuse as per Appendix 2</b>
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**Location**

Site to north of Ford Wood, Kilbirnie

**Applicant**Gatehouse Property Services  
43 Portree Avenue  
Kilmarnock  
KA3 2GA**Proposal**Removal of Section 75 obligation attached to  
planning permission N/04/00552/PP relating to  
occupancy restriction

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**1. Description**

This report relates to an application in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal obligation under Section 75 of the Town and Country Planning (Scotland) Act 1997 (the Act). The obligation was in relation to an agricultural occupancy restriction. The application has been submitted due to a change in the circumstances of the original applicant.

An outline planning application in 1999 for the erection of a detached dwellinghouse for an agricultural worker (ref. 99/00284/OPP) was refused by North Ayrshire Council in March 2001 on the following grounds:

“That the proposed development would be contrary to Policies G5 and HOU10 of the approved Ayrshire Joint Structure Plan and the adopted Garnock Valley Local Plan respectively in that the applicant has failed to demonstrate that there is a clear justification on the grounds of specific locational need for the proposed development.”

The decision was subject to an appeal to Scottish Ministers, which was considered at a public local inquiry held during October 2001. The appeal concluded that, on the merits of the case, there was a need for a farmhouse at Ladyland, since this was the “most appropriate location” from which the “various estate activities can be organised, supervised and monitored.” Accordingly, planning permission was granted subject to conditions on 6<sup>th</sup> February 2002, including an agricultural occupancy condition. The condition enabled the house to be occupied by a person “solely or mainly employed or last employed locally in agriculture or forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person.”

On 29<sup>th</sup> July 2005, detailed planning permission (ref. 04/00552/PP) for a large detached single storey dwellinghouse and agricultural building at Ladyland was approved subject to conditions and an occupancy restriction under a S75 legal obligation. The legal obligation had the same effect as the condition imposed on the outline planning permission, but had the effect of creating a real burden on the title of the land.

One of the conditions of the planning permission stated that the agricultural building, measuring 9.5m x 9.5m on plan, was to be erected prior to the house being built. It has been established from a site visit during July 2015 that the agricultural building has not been erected. Furthermore it has been established that works to build the house commenced during 2006, but were never completed. At present, the house is wind and watertight and was placed on the open market for sale during 2014. The associated land, which provided the basis of need for the house, has already been sold.

A prospective purchaser has expressed an interest in buying the house, but does not meet the criteria set out in the S75 obligation in relation to agricultural occupancy. The removal of the occupancy restriction would enable the incomplete house to be sold, mortgaged, completed and occupied by the prospective purchaser. Thereafter, the new owner would be free to dispose of the property as he/she sees fit. It was noted at a site visit undertaken during July 2015 that various ground works at the site were being undertaken, including the provision of a tarmac driveway, clearance of overgrown land and the formation of boundary walls.



The application site is located within the countryside of Clyde Muirshiel Regional Park as identified in the adopted Local Development Plan (LDP). The relevant policies are ENV 2 (Housing Development in the Countryside - Housing for workers engaged in a rural business), which states that housing for workers engaged in an appropriate rural business (such as farming) shall accord with the LDP subject to meeting a range of criteria, including a genuine operational need for a dwellinghouse. Also of relevance due to the location in the Regional Park is Policy ENV 7 (Special Landscape Areas) and the Rural Design Guidance.

A supporting statement has been submitted with the application which indicates that the health of the original applicant for the house has significantly deteriorated such that there is now no prospect of him occupying the house. The associated land has already been sold in order to raise funds for long term healthcare.

The supporting statement highlights changes in policy at a national level, including that occupancy restrictions on housing in the countryside should be avoided. It goes on to discuss Circular 3/2012, which relates to planning obligations, and makes the case that the occupancy restriction placed on the dwellinghouse is no longer necessary.

## **2. Consultations and Representations**

None required.

## **3. Analysis**

The proposal requires to be considered in terms of the adopted Local Development Plan policies ENV 2, ENV 7, the Rural Design Guidance and various other material planning considerations.

Policy ENV 2 indicates the circumstances under which new housing in the countryside can be justified. The approval of the dwellinghouse at Ladyland was granted on the basis of need in pursuance of an established rural business. The proposal was originally refused by the Council, as noted above. However, the need for the house was established at a public local inquiry which resulted in planning permission being granted by Scottish Ministers. A further grant of planning permission, with S75 obligation to restrict occupancy, was then approved by the Council in 2005.

The agricultural land which the house was intended to serve has already been sold off to another party, without need for the house. This would tend to undermine the previously identified need for a new house to serve farming activities at Ladyland. As such, the proposal to remove the S75 obligation would be contrary to Policy ENV 2.

In addition, the site for the house is at the edge of a rugged upland area within Clyde Muirshiel Regional Park, which is an area of sensitive landscape character in terms of Policy ENV 7. In general, there is a presumption against development in the Regional Park unless it can be demonstrated that the proposal meets the needs of agriculture or forestry and is appropriate in design and scale to its surroundings. As noted above, there is no longer any demonstrable need for the house in terms of agriculture or forestry activities at Ladyland, as evidenced by this proposal to remove the occupancy restriction.

Furthermore, it is noted that the dwellinghouse, by virtue of its form, character and detailing, would not accord with the Council's current approved Rural Design Guidance. In light of the greater weight to be afforded to siting and design matters within the sensitive countryside of the Regional Park, the proposal to remove the S75 obligation would result in a development that does not have a suitable design for the location.

Turning to other material considerations, Scottish Planning Policy (SPP) and Circular 3/2012 are relevant to this case. The former Chief Planner's letter referred to in the supporting information is no longer relevant since the matters raised have been consolidated in the most up to date version of SPP (2014).

In terms of SPP, it is noted in paragraph 81 that "in accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car-based commuting or suburbanisation of the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision-making should generally:

- guide most new development to locations within or adjacent to settlements; and
- set out the circumstances in which new housing outwith settlements may be appropriate, avoiding use of occupancy restrictions.

Whilst the supporting statement argues otherwise, it is considered that SPP does not advocate unsustainable new housing development in the countryside within "accessible or pressured rural areas", which is the category into which Ladyland would fall. In such locations, SPP states that a "more restrictive approach to new housing development is appropriate." Policy ENV 2 within the adopted LDP sets out the circumstances in which new housing outwith settlements may be appropriate in certain parts of North Ayrshire, which include houses for workers engaged in established rural businesses, single houses in the countryside of outstanding design quality (outwith special landscape areas) and small scale growth of existing rural housing groups. None are applicable to this case.

Circular 3/2012 sets out a number of tests which S75 obligations should meet. These are as follows:

- necessary to make the proposed development acceptable in planning terms
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

It is considered that the S75 obligation was and remains necessary to make the proposed development acceptable; served a planning purpose; related to the proposed development, and was fairly and reasonably applied in all respects.

The decision to grant the house was based on need, and in the absence of such need, the siting and design merits of the proposal therefore take greater precedence. In terms of location, the house is situated in an area of sensitive landscape character where new development is generally restricted, unless there is a justifiable need and appropriate design and scale in relation to the surroundings. In this case, there is no longer a need for the house and the design merits of the house would fail in terms of the Council's Rural Design Guidance.

In terms of the personal circumstances which have led to the current proposal, these are not material planning considerations. The fundamental justification for the development of the house - and the basis of the case which was made at a public local inquiry - related to the need for a dwellinghouse at this site for operational purposes in pursuance of an established rural business.

In conclusion, the proposal to remove the occupancy restriction would not accord with Policies ENV 2 (housing for workers engaged in a rural business) and ENV 7 (Special Landscape Areas) given the siting and design issues which are material to the consideration of a case of this type.

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

See Appendix 2

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
13 July 2015

For further information please contact Mr Anthony Hume, Senior Development  
Management Officer , on 01294 324318

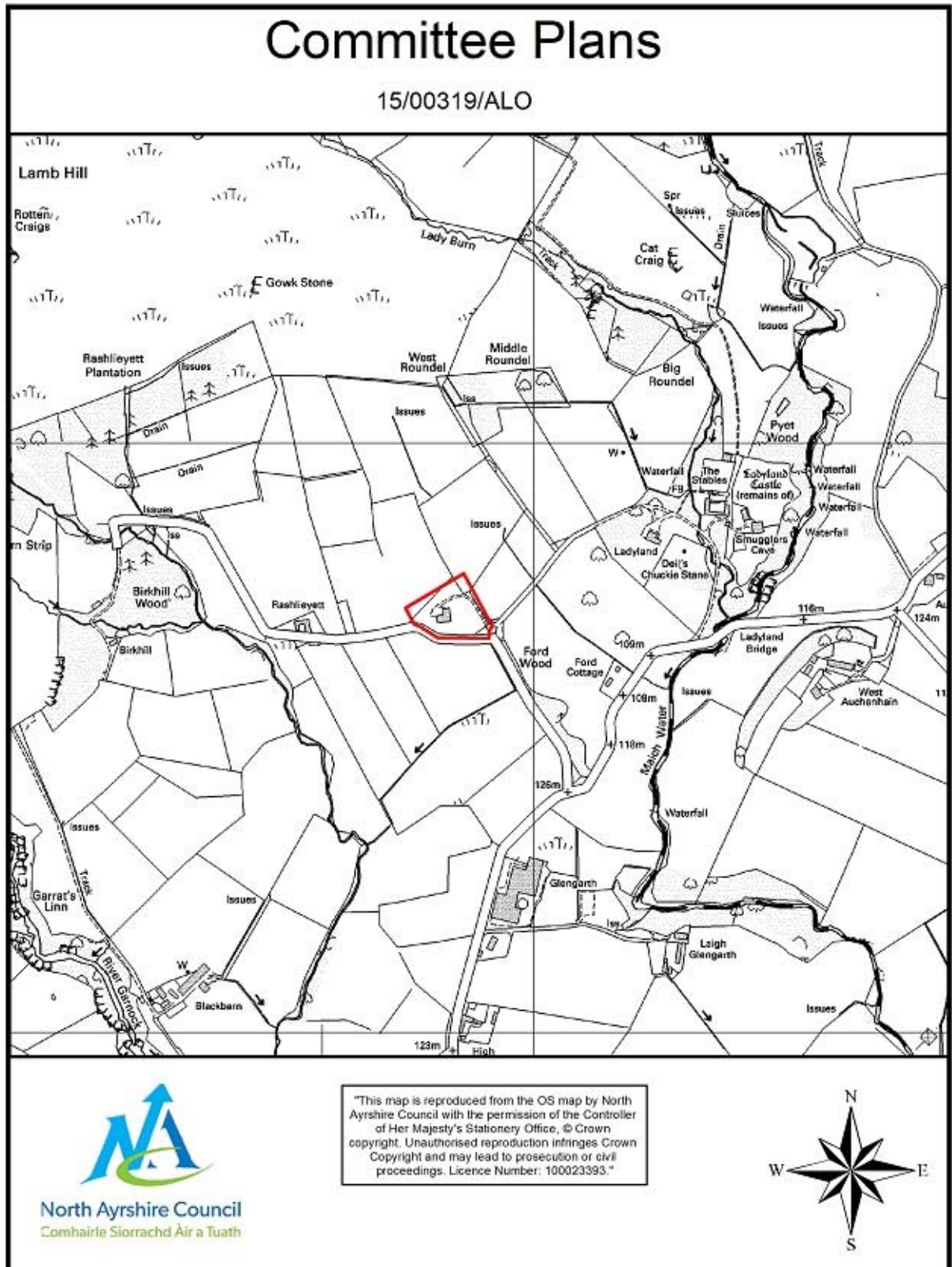
## **APPENDIX 2**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00319/ALO**

Refuse on the following grounds:-

1. That the proposal to remove the S75 obligation would be contrary to Policy ENV 2 of the adopted North Ayrshire Local Development Plan in that the dwellinghouse was granted on the basis that there was a genuine operational need for a worker to live in pursuance of an established rural business. The removal of the occupancy restriction would result in the development of a dwellinghouse that is not required for operational reasons in association with an established rural business. It has not been demonstrated to the satisfaction of North Ayrshire Council as Planning Authority that the change of circumstances referred to in the application would justify the removal of the occupancy restriction, in that (a) personal circumstances are not material planning considerations and (b) the land holding upon which the justification for the house was based has been sold separately, resulting in the dwelling being in separate ownership from the adjacent farmland.
2. That, in terms of Policy ENV 7 of the adopted LDP, the house is not of a scale and design appropriate to its location within the Special Landscape Area of Clyde Muirshiel Regional Park. As such, the proposal to remove the S75 obligation for occupancy reasons would result in an unsympathetic house in the Regional Park without adequate locational justification.









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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 5.1**

Planning Committee

Planning Area

**26 August 2015  
Irvine/Kilwinning**

Reference

**15/00344/PPPM**

Application

**18th June 2015**

Registered

Decision Due

**18th October 2015**

Ward

**Irvine West**

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<b>Recommendation</b>	<b>Grant subject the conditions contained in Appendix 1</b>
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<b>Location</b>	Menzies Hotel, 46 Annick Road, Irvine
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<b>Applicant</b>	Topland Hotels (No. 14) Limited c/o Savills (UK) Ltd 8 Wemyss Place Edinburgh EH3 6DH
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<b>Proposal</b>	Planning permission in principle for residential development and refurbishment works to hotel, including alterations to access, parking, landscaping and infrastructure
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**1. Description**

This application relates to a site of approximately 13.1 hectares located to the east of Irvine town centre. The site is bounded by the Annick Water to the west and north, the Irvine bypass (A78) to the east and Annick Road (B7081) to the south (see attached location plan).

The application site comprises part of the open space around the Menzies Hotel, which was built during the early 1980s. The open space is privately owned and maintained by the hotelier and provides a 9 hole pitch and putt course for use only by hotel guests. Around the edge of the open space, and following the Annick Water, is a designated Core Path. This path also forms a section of the National Cycle Network (NCN Route 73) which links Irvine to Kilmarnock via Dreghorn.

The hotel was originally known as the Skean Dhu and has been renamed several times since. The applicant has indicated that the hotel has 90 employees. The hotel includes a swimming pool and 'Hawaiian Lagoon' area which has been closed for many years. As part of a review of its portfolio, the hotelier has identified the need to improve the hotel to remove unused facilities and provide better facilities for the guests it currently attracts. To this end, the applicant's stated intention is to maximise use by visiting sporting groups, which are already a key sector of the business. The applicant's future strategy would be to dispose of the land to the east of the hotel for housing development. Funds raised through the disposal of this land, would then be invested in both the hotel and the remaining grounds to the west. The applicant is agreeable to the imposition of a planning condition to ensure that the funds raised by the sale of the land are used for making improvements to the hotel. The improvements would include the demolition of the 'Hawaiian Lagoon'. The area would then be landscaped to enhance the setting of the hotel and enable natural light to reach the 16 bedrooms which overlook the lagoon area. The 16 bedrooms would also be refurbished.

The application seeks Planning Permission in Principle and is considered to be a "major" development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site exceeds two hectares in size. Being a "major" development, the planning application was accompanied by a Pre-Application Consultation (PAC) report which outlines the steps taken by the applicant to inform the community of the proposed development. The PAC provides details of (i) the parties and individuals who were consulted, (ii) the method of publicity, (iii) the public event, and (iv) the issues raised during the publicity period and the applicant's response to these issues.

In the adopted Local Development Plan (LDP) the application site lies within an area of protected open space, where Policy ENV 12 (open space) applies. In terms of Policy ENV 12, there is a presumption against the development of protected open space, unless a range of criteria can be satisfied.

Policy PI 1 relates to the promotion of active travel, which is relevant due to the scale of the development and its potential to be a significant trip generator. Policy PI 8 deals with drainage, SuDS and flooding, which is relevant due to the location of the site beside the Annick Water.

Policy RES 4 (affordable housing) is also relevant and requires all proposals for residential development to make a contribution to affordable housing provision. For the Irvine/Kilwinning sub-market housing area, a contribution of 15% is required and should be provided in line with the Council's supplementary guidance.

The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

## **2. Consultations and Representations**

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on 26th June 2015 for neighbour notification purposes. One objection and one representation were received, which can be summarised as follows:

1. The proposed development would generate a significant level of additional traffic in the area, especially on Annick Road, which would lead to more noise, disturbance and inconvenience.

*Response: NAC Transportation has no objections to the application on the grounds of additional traffic generation. The site is located centrally within Irvine and benefits from access to both frequent public transport on Annick Road and a well-developed cycle/footpath infrastructure. A condition could be imposed to ensure that there are adequate links between the site and nearby public transport and the cycle/footpath network. The provision of such links would help to encourage walking, cycling and the use of public transport.*

2. The concept masterplan seems to indicate that the current riverside walk along the Annick Water would no longer exist. The proposed housing development would have a significant effect on local amenity, further reducing the accessible green space available in a locality, which is heavily developed already.

*Response: The concept masterplan was prepared for illustrative purposes only and has since been withdrawn. A condition could be imposed to ensure that the route, which is a Core Path and part of NCN Route 73, is retained as part of a detailed masterplan for the site. For amenity purposes, it is considered that the remaining area of open space to the west of the hotel would be adequate, given that the pitch and putt course is a private facility. In addition, there are large swathes of publicly accessible green space to the south of the A71 at Milgarholm Park and Tarryholme.*

3. Proposed tree planting to screen the relocated coach park would reduce the view from nearby housing.

*Response: The loss of a view is not a material planning consideration. Details of the layout would follow at a later stage in the planning process before any works could take place on the site.*

4. Reassurance is sought that (i) no alteration to the present floodplain is planned and (ii) no future housing development could occur without further planning permission.

*Response: With respect to (i), SEPA has recommended a condition to stipulate that no development or infrastructure should be sited within the 1 in 200 year functional floodplain. Regarding point (ii), no development could take place on the site until a further planning approval is sought and approved. At this stage, only permission in principle has been sought.*

**Coal Authority** - no objections. The Coal Authority confirms that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that part of the site is likely to have been subject to unrecorded underground coal mining at shallow depth. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including information from a Coal Authority Mining Report, BGS geological mapping, BGS memoirs, BGS borehole records and OS historical mapping. This information has been used to inform the Mining Risk Assessment Report (May 2015, prepared by Woolgar Hunter), which accompanies the planning application. The Report concludes that the risk of future collapse is low. No further investigations or specialist foundations are therefore warranted.

*Response: An informative, as recommended by the Coal Authority, could be attached to any grant of planning permission.*

**North Ayrshire Council Education & Youth Employment** - No objection. The catchment schools for this proposed development are Glebe Primary School, St Mark's Primary School, Greenwood Academy and St Matthew's Academy, all of which have spare capacity at present. The capacity issue in relation to Greenwood Academy, currently operating at 89% capacity, is related to successful placing requests into the school. As any new pupils from the proposed development would be catchment, they would be enrolled before placing requests.

*Response: Noted. Based on the above, there is no requirement for any further action in terms of the planning application.*

**NAC Environmental Health** - no objections subject to a condition that the noise mitigation measures noted within the Noise Impact Assessment are fully implemented and constructed as described within the report.

*Response: A suitably worded condition as per the above recommendation could be attached to any grant of planning permission.*

**NAC Flooding Officer** - no objections following a review of the submitted flood risk and drainage assessment.

*Response: Noted.*

**NAC Housing** - no objection to the proposal and would request that the affordable housing policy requirement is addressed by way of a planning condition.

*Response: A suitably worded condition as per the above observations could be attached to any grant of planning permission.*

**NAC Transportation** - no objections in principle, and would require the development layout to take into account the principles of Designing Streets.

*Response: A suitably worded condition as per the above observations could be attached to any grant of planning permission.*

**SEPA** - initially objected to the proposal on the grounds of flood risk, on the basis that additional information would be required in order to ensure that the proposed development did not increase the risk of flooding at the site or elsewhere. The objection was duly withdrawn subject to a suitable condition being imposed to address flood risk.

*Response: A suitably worded condition as per the above recommendation could be attached to any grant of planning permission.*

**sportScotland** - no objection. This position has been arrived at given that the course is a facility that is provided for the use of hotel residents only, with no wider public/club use permitted. Scottish Golf has also offered no objection to the development of the site as it is not used for any programmes, and is primarily for the use of hotel residents. sportScotland is also comfortable that there is a good supply of golf courses in the wider area, which are available for public/club use. sportScotland supports the suggestion that consideration be given as to how the remaining area could be developed into a small golf practice facility for hotel customers, if deemed appropriate.

*Response: Noted.*

**West of Scotland Archaeology Service** - no objections in principle, subject to a condition being imposed. The application site is situated in an area of archaeological potential on the Ayrshire coastal plain, appears to be largely undisturbed ground and is large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. There are no recorded sites contained within the application area but despite past agricultural improvements, it is possible that significant archaeological remains may survive within the application boundary in areas not heavily disturbed already and that these may be damaged or destroyed by the ground-breaking elements of the proposals.

*Response: A suitably worded condition as per the recommendations of WSAS could be attached to any grant of planning permission.*

**Scottish Water** - no comments.

### **3. Analysis**

The application seeks planning permission in principle for the residential development of an area of protected open space, the purpose of which is to help fund a capital investment to improve the hotel and safeguard the 90 jobs it supports.

Policy STRAT1 of the LDP states that the Council is committed to stimulating population growth within North Ayrshire. The proposed development would contribute to this strategic aim. The proposal requires to be considered in terms of LDP policies ENV 12, PI 1, PI 8, RES 4 and the General Policy.

In terms of Policy ENV 12, there is a presumption against the development of protected open space unless a range of criteria can be satisfied. Of relevance are criteria 2, 3 and 4.

Criterion 2 relates to proposals for developments for purposes other than outdoor recreational pursuits, such as housing. It is a requirement that proposals do not act to set undesirable precedents for further incremental loss of open space. In this particular example, whilst this application is in principle, it is envisaged that a substantial area of open space would remain, particularly to the west and north of the hotel. A condition could be imposed to require that a detailed masterplan and development brief is prepared to inform the later stages of the planning process. In so doing, incremental loss of the remaining open space could then be avoided.

Criterion 3 states that proposed developments shall not unacceptably impact upon the recreational and/or amenity value of any area of active or passive open space when considered in relation to overall provision in the local area. It is considered that the recreational value of the land is marginal when both considered in relation to the overall provision within Irvine, particularly in respect of golfing activities, and in private ownership. The proposal would also offer an opportunity to enhance the amenity of the area through better quality landscaping and recreation facilities than are available at present.

Criterion 4 relates to the effect of the loss of space in terms of the quality, function or playing capacity of a facility. If the effect is material, alternative provision of a similar or improved facility would be required. In this instance, there is no public use of the pitch and putt course. The area acts largely as a setting for the hotel and the applicant advises that it is seldom used. As part of the proposed improvements to the hotel, the applicant has indicated that there would be improvements made to the remaining area of open space, although access would be limited to the hotel guests.

In summary, whilst the proposal would result in some loss of private recreational open space in the locality, the loss is not significant given its restricted access to members of the public and in the context of adequate provision of golfing facilities in the Irvine area as a whole. The proposal would also offer the opportunity to enhance the amenity and quality of the remaining open space, which may help to improve the attractiveness of the hotel. The proposal is therefore satisfactory in relation to Policy ENV 12.

In terms of Policy PI 1, which relates to all development proposals which will result in significant trip generation, applications require to demonstrate that account has been taken of the need of walkers, cyclists and public transport users. A transport assessment has been submitted with the application, which considers the various issues and methods to promote active travel and the use of public transport. The site is well located for pedestrians and cyclists, being connected to the existing network of local footpaths, national cycle route 73 and is within walking distance of Irvine town centre and several schools. For the avoidance of doubt, the masterplan for the site would require to retain and incorporate NCN Route 73. The site is also well located for public transport, with Annick Road being on the main bus route between Kilmarnock and Ardrossan. Finally, in terms of motorised traffic, the site can be accessed conveniently from the trunk road network at Warrix Interchange without traffic having to pass through residential areas. In summary, the proposal is satisfactory in relation to Policy PI 1.

Policy PI 8 deals with drainage, SuDS and flooding, which is relevant due to the location of the site beside the Annick Water. The application has been subject to a flood risk and drainage assessment. The assessment concludes that flood risks from the Annick Water on the western and north western areas of the site would be manageable over the lifetime of the development, and that SuDS proposals conform to best practice. To meet the requirements of SEPA, it would be necessary to ensure that no development takes place on the 1 in 200 year flood plain. This requirement could be addressed through a suitable condition. In summary, the proposal is satisfactory in relation to Policy PI 8.

Policy RES 4 (affordable housing) is also relevant and requires all proposals for residential development to make a contribution to affordable housing provision. For the Irvine/Kilwinning sub-market housing area, a contribution of 15% is required and should be provided in line with the Council's supplementary guidance. As noted above, the applicant is aware of this requirement and is agreeable to this matter being addressed through a suitable condition.

In relation to the General Policy of the LDP criterion (a) requires the proposed development to be of acceptable siting, design and external appearance. As per Policy PI 1, criterion (a) also requires the development to incorporate the principles of the Scottish Government's Designing Streets and Designing Places guidance. As a pre-cursor to the MSC stage, the preparation of a masterplan and development brief would be required for the approval of the Council as Planning Authority. The applicant's agent is agreeable to this approach, which would be secured by condition.



It is understood that the applicant intends to market the site with the benefit of permission in principle. It is considered that the masterplan and development brief for the site would assist in the marketing of the site. The subsequent MSC applications would then be informed, assessed and determined against the approved masterplan and the associated brief. This approach would produce more certainty in terms of access, layout, drainage and design concepts for the scheme. The more detailed design issues, such as house types, external finishes, landscape design, would all be dealt with at MSC stage.

In relation to criterion (b) Amenity, the proposed development would require to demonstrate that it could be achieved without any significant adverse impact on the amenity of nearby properties. Traffic noise could also have a significant impact on amenity, given the proximity of the site to the A78 Irvine bypass. The submitted noise assessment proposes the formation of earthworks along the eastern edge of the site, which would act as a barrier to traffic noise. Such earthworks would be landscaped with trees to soften their overall visual impact. These matters can be addressed by appropriate conditions.

Criterion (d) relates to access, road layout and parking provision. The Council's Transportation Service has offered no objection to the proposed development. Conditions would be required to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents.

There are no other material considerations at this stage. It is considered that the loss of open space at this location would be outweighed by the proposed improvements to the hotel and the delivery of a housing site close to Irvine town centre. Accordingly, it is recommended that planning permission in principle is granted. As noted above, conditions could be imposed to address a range of issues relating to the development of the site, and a condition to ensure that the specified range of improvements to the hotel, take place in advance of the housing development.

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

See Appendix 1.

A handwritten signature in black ink, appearing to read 'Karen Yeomans', written in a cursive style.

**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
16 July 2015

For further information please contact Mr Anthony Hume, Senior Development  
Management Officer , on 01294 324318

## APPENDIX 1

### RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00344/PPPM

Grant subject to the following conditions:-

1. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved 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 North Ayrshire Council as Planning Authority.
2. That prior to the submission of the first application for the approval of matters specified in conditions (MSC) 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", (March 2007), the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), an updated flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 4. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.
4. That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan for the site and a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of the archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2 and 3 respectively, and shall indicate:
  - the means of access to the site, including multi-user link(s) to public transport at Annick Road and the retention of the Core Path (National Cycle Network Route 73) along the edge of the Annick Water on its present alignment;
  - the street layout;
  - structural landscaping including earthworks to mitigate road noise from the A78;
  - areas of open space; and
  - areas for children's play.

For the avoidance of doubt, the housing development area shall be limited to the land generally to the east of the Menzies Hotel.

In addition, the detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the details contained in the MSC application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

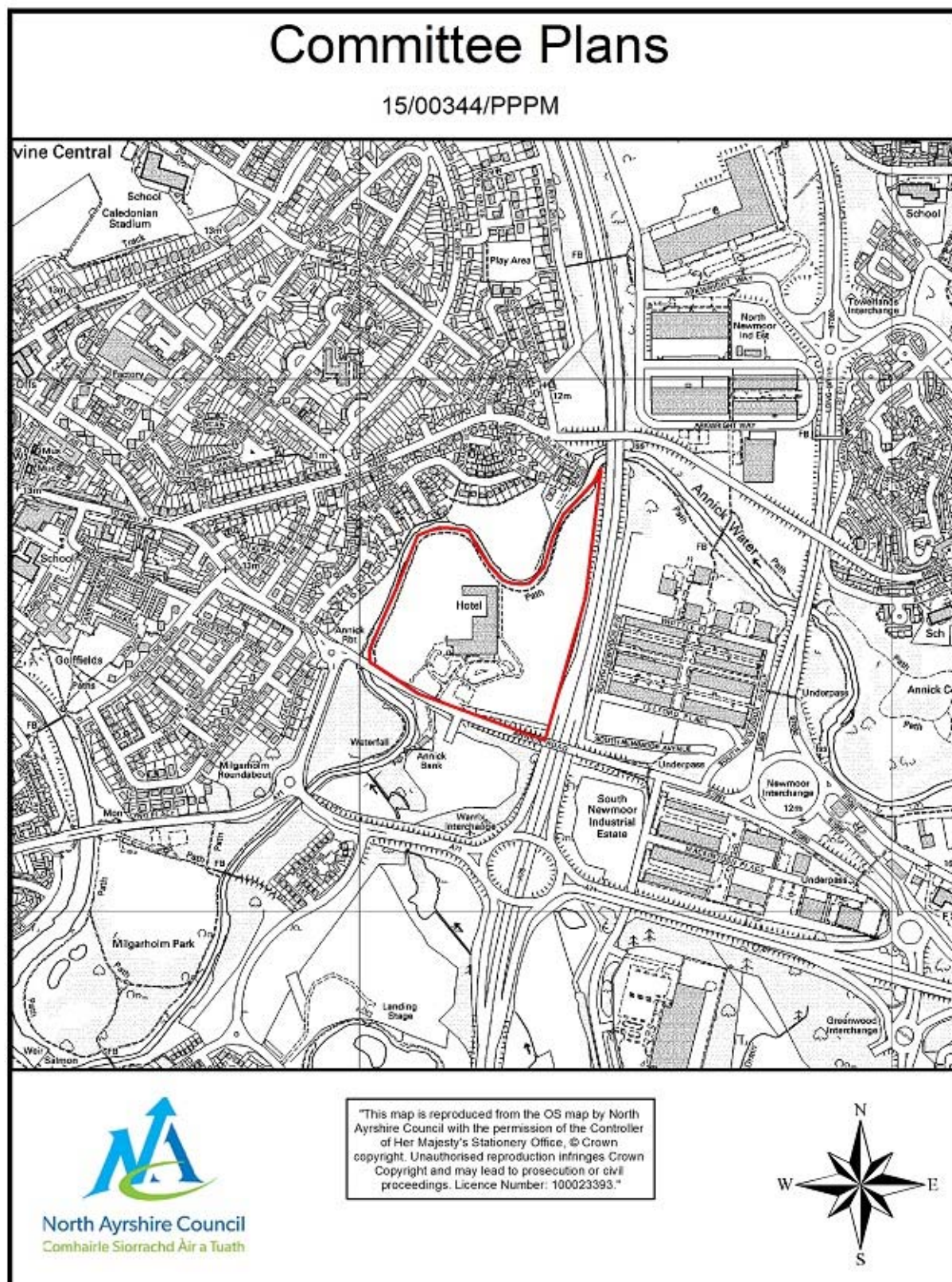
5. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, means of access to the proposed development and affordable housing contribution shall be obtained before the development is commenced.

6. That application(s) for the approval of matters specified in conditions (MSC) shall include details of the noise mitigation measures identified in the Noise Impact Assessment prepared by Bureau Veritas UK dated 29th May 2015. Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.

7. That the improvement works to the Menzies Hotel, as indicated in paragraph 4.17 of the 'Planning Supporting Statement' prepared by Savills and dated June 2015, shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority prior to the commencement of the housing development hereby approved, unless otherwise agreed in writing.

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

1. To meet the requirements of the West of Scotland Archaeology Service.
2. To ensure that an appropriate SuDS strategy is prepared and implemented.
3. To meet the requirements of SEPA.
4. To secure a masterplan for the development in the interests of the proper planning of the area.
5. In order that these matters can be considered in detail.
6. In the interests of amenity of the development.
7. To reflect that the housing development is to act as enabling development for the improvement of the hotel.





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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.1**

Planning Committee

**26 August 2015**

Planning Area

**North Coast and Cumbraes**

Reference

**15/00200/PPM**

Application

**16th April 2015**

Registered

Decision Due

**16th August 2015**

Ward

**Dalry & West Kilbride**

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<b>Recommendation</b>	<b>Refuse for Reasons contained in Appendix 2</b>
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<b>Location</b>	Blackshaw Farm West Kilbride
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<b>Applicant</b>	Community Windpower Limited First Floor 2 Parklands Way Maxim Business Park Motherwell
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<b>Proposal</b>	Erection of six wind turbines each with a maximum blade to a height of up to 125m and associated infrastructure including access tracks, hard standings, substation and control room, 80m meteorological masts, temporary construction of storage compound and borrow pits.
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**1. Description**

This planning application is for the erection of six wind turbines on a site at Blackshaw Farm located directly north of the Ardrossan Wind Farm, some 1.5 Km east of West Kilbride, and some 750 metres south of the B781 Dalry – West Kilbride road from which the vehicular access to the site would be taken, at a new junction some 120m west of the existing access to Blackshaw Farm.

The turbines would be located partially within an area of forestry to the south of Blackshaw Hill on land at a height varying between 139 and 177 meters above sea level.

The proposed turbines would measure 125 metres high to blade tip, 74.5 metre high tower with 101 metre diameter blades, and each would have an installed capacity of 3.5 megawatts (Mw). The proposed development would also include the construction of associated access tracks, hardstandings, sub-station and control room, the erection of an 80m high meteorological mast of lattice construction, the formation of a temporary construction and storage compound and the excavation of two borrow pits.

The proposed control building would be a single storey building 17 metres long by 6.6 metres wide with a dual pitched roof with a ridge height of some 5.5 metres and would sit adjacent to the proposed sub-station which would occupy a similar site area within a fenced compound. The wind turbines are intended to have an operational life span of approximately 25 years, following which they would be removed and the site reinstated to an agreed standard, or alternatively they may be the subject of a subsequent application to extend the life of the development.

The proposal falls within the category of "major" development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and the application was accompanied by a Pre-Application Consultation (PAC) report which outlined the steps taken by the applicant to inform the community about the proposed development and offer the opportunity to contribute their views, prior to this application being submitted for determination. The PAC report provides details of (i) those bodies and individuals consulted, (ii) the means of publicity undertaken, (iii) the public events held, and (iv) feedback from the public events.



The proposal also comprises development in respect of which the Environmental Assessment (Scotland) Regulations 1999 apply, and therefore an Environmental Statement (ES) was submitted with the application which examined a range of topics including the construction, operation, maintenance and decommissioning of the site; economic and community benefits; landscape and visual issues; and assessments of hydrology, noise, archaeology, airport radar and other related issues. Part of the ES is a the Landscape and Visual Impact Assessment (LVIA) which is an assessment of the potential significance of changes, which may occur in the landscape as a result of the proposed development. The LVIA contains photomontages of the proposed development from key locations, at both close and long range distances to the site. The general conclusion of the applicant's ES is that the proposed development, subject to implementing mitigation measures where appropriate, would have no long-term significant effects in relation to ecology, cultural heritage, landscape and visual impact, health & safety, hydrology, noise and ornithology.

Scottish Planning Policy (SPP) recognises the role that wind turbines play in meeting renewable energy targets and indicates that there is considerable potential for Scotland's landscape to accommodate such development, although it also recommends that careful consideration must be given to the need to address cumulative impact.

The SPP provides general locational guidance in relation to windfarm proposals, requiring account to be taken of: areas designated for natural heritage value; green belts; cumulative impact; historic environment; tourism and recreational interests; communities; buffer zones; aviation and defence interests and broadcasting installations.

SNH has also published guidance on the siting and design of wind farms, 'Siting and Designing Wind Farms in the Landscape - May 2014', which advises that wind farms should be sited and designed to minimise adverse effects on landscape and visual amenity, and that areas, which are highly valued for their landscapes and scenery are given due protection. The guidance offers design advice on the development of wind farms within landscapes, which already have wind farms.

The application site is located within an area of Countryside in terms of the Adopted North Ayrshire Local Development Plan (LDP) and is also within a Sensitive Landscape Area (SLA), and within the boundary of the Clyde Muirshiel Regional Park (CMRP). The following LDP policies are relevant in the determination of the application: PI9 (Renewable Energy); ENV1 (Development in the Countryside); and ENV7 (Sensitive Landscape Areas).

The Supplementary Planning Guidance (SPG) for wind farm development of 2009 and the NAC Landscape Capacity Study for wind farm development of October 2009 and updated in 2013, give advice on sensitive areas to be avoided by wind turbine developments and are material considerations in the determination of this application.

Policy PI9 of the LDP states that proposals for a range of renewable energy developments, including wind turbines, shall accord with the LDP subject to satisfying the following criteria:-

- (a) the development is appropriate in design and scale to its surroundings; AND
- (b) it can be demonstrated that there is no unacceptable adverse impact on the intrinsic landscape qualities of the area (especially for areas with a specific landscape designation, and coastal waters); AND
- (c) in the case of individual wind turbines or windfarm development, that the proposed development is not in an area designated as "high sensitivity" in the Landscape Capacity Study for Windfarm Development in North Ayrshire"; AND
- (d) the proposal shall not result in unacceptable intrusion, or have an unacceptable adverse effect on the natural, built, cultural or historic heritage of the locality; AND
- (e) it can be demonstrated that there are no unacceptable adverse impacts on the operation of tourism or recreational interest; AND
- (f) it can be demonstrated that any unacceptable adverse effects and telecommunications, transmitting, receiving or radar systems for civil, broadcasting, aviation or defence interests can be effectively overcome; AND
- (g) the proposal can be satisfactory connected to the national grid without causing any unacceptable negative environmental impacts; AND
- (h) when considered in association with existing sites, sites formally engaged in the Environmental Assessment process or sites with planning permission, including those in neighbouring authorities, there are no unacceptable impacts due to the cumulative impact of development proposals; AND
- (i) in the case of individual wind turbines and windfarm development, that the proposal satisfies the contents of the Ayrshire Supplementary Guidance: Windfarm Development (October 2009); AND
- (j) where appropriate, applicant's will be required to demonstrate consideration of co-location with significant electricity or heat users.

The above policy also requires that any redundant apparatus be removed within 6 months of it becoming non-operational and the site restored, unless it can be demonstrated that the said apparatus will return to productive use within a reasonable time frame.

Policy ENV1 of the LDP relates to new development in the Countryside (excluding Housing) and states that such developments shall not accord with the LDP unless satisfying criteria relevant to (a) being necessary non-residential development associated with agriculture, forestry or other established rural businesses , (b) a small scale Class 4 business with a specific locational need to be located on site, (c) being essential public infrastructure with a special operational need to be located on site, (d) being within an existing rural village, and (e) tourism, outdoor sport or recreational development with a specific operational need to be located on site.

Policy ENV 7 of the LDP relates to development within Special Landscape Areas (SLA) and states that within the identified SLA, which includes the National Scenic Area in North and Central Arran and Clyde Muirshiel Regional Park, as defined on the LDP Map, the Council shall pay special attention to the desirability of safeguarding or enhancing the character or appearance of the landscape in the determination of proposals. Development should be sited so as to avoid adverse impacts upon wild land.

There is a presumption against development in the above areas unless it can be demonstrated that the proposal:-

- (a) meets the needs of agriculture or forestry; OR
- (b) is a recreation, leisure or tourism proposal which will bring a level of social and economic benefit to the area which outweighs the need to protect the area from development; OR
- (c) is a renewable energy generation development; AND
- (d) is appropriate in design and scale to its surroundings; AND
- (e) has no unacceptable direct, indirect or cumulative impacts on the landscape character and/or the natural and built heritage resource; AND
- (f) has no unacceptable impacts on the visual amenity of the area; AND
- (g) has taken cognisance of the Council's Rural Design Guidance, where applicable.

In addition to the above criteria, proposals for development which would affect the National Scenic Area, as identified on the LDP Map, shall not accord with the LDP unless:-

- (h) the objectives of designation and the overall integrity of the National Scenic Area will not be compromised; OR
- (i) any significant adverse impacts on the qualities for which the National Scenic Area has been designated are clearly outweighed by social or economic benefits of national importance.

## 2. Consultations and Representations

The statutory neighbour notification procedure was carried out. Notice of the planning application and associated Environmental Statement were published in the local press on the 29th April 2015 and in the Edinburgh Gazette on the 1st May 2015 respectively.

A total of 55 letters of objection have been received, 10 of which were of a pro-forma style and which also included a petition of 66 signatures. Fifty seven letters of support were also received, including two styles of pro-forma letters, 51 of which were collected and submitted by the applicant. A further letter was received neither objecting to or supporting the application but indicating matters requiring consideration in the determination of the application.

### Grounds of Objection:

1. Questions the policy of the Scottish Government towards wind power as a solution to energy needs.

*Response: Wind power is only one of a number of renewable energy technologies encouraged by the Scottish Government.*

2. There is no need for the proposed development as the Scottish Government target for renewable energy generation is likely to be met given the number of operational developments and consent for the development is yet to be implemented.

*Response: It has been acknowledged by Scottish Government Reporters in previous appeal decisions that the Scottish Government target is not a cap, and that any additional capacity will help to reduce the country's carbon emissions.*

3. The planning system is intended to direct development to appropriate locations and this proposal is contrary to the Council's Local Development Plan and Landscape Capacity guidance. The proposal would be out of scale and character with the landscape and would result in an unacceptable cumulative impact and establish a precedent for further wind farm development within sensitive areas.

*Response: Agree - See analysis.*

4. Questions the various techniques used by the applicants to demonstrate that no significant adverse visual impacts would result from the proposed development. The reality usually shows that wind farms are much more prominent once built, as opposed to the photo montages submitted with the planning application.

*Response: The Environmental Statement submitted with the planning application has been produced in accordance with best practice guidance issued by Scottish Natural Heritage.*

5. Despite repeated advice from North Ayrshire Council that a wind farm in this location would not be supported, the applicant has nonetheless continued to pursue the proposal.

*Response: Noted.*

6. The proposed development if approved would conflict with NAC's aim of achieving new housing development within surrounding settlements.

*Response: Noted.*

7. Concerns regarding the removal of redundant apparatus and the reinstatement of the site following the end of life of the windfarm.

*Response: Appropriate provision can be made for this by entering formal legal agreements and receiving financial bonds from the applicant. These requirements and financial values would also have the ability to be regularly reviewed and amended where necessary.*

8. The proposed development lies within Clyde Muirshiel Regional Park which is identified in the LDP as an area within which special attention to safeguarding the character appearance of the landscape from inappropriate development.

*Response: Policy ENV7 of the LDP contains a presumption against development within Special Landscape Areas, including Clyde Muirshiel Regional Park. The proposed development is assessed against this policy in the analysis section of this report.*

9. The proposed development will adversely impact on the Special Protection Area (SPA) within Clyde Muirshiel Regional Park.

*Response: The SPA is located on the northern side of the A760 Largs Kilbirnie Road some 11km north of the application site. The SPA designation relates to its importance for breeding hen harriers and while SNH and RSPB were consulted on the planning application neither expressed any concerns regarding any potential adverse impact on the SPA.*

10. The proposed development would breach the 2km buffer zone specified in SPP which is intended to provide an adequate separation between windfarms and settlements.

*Response: The proposed turbines would be located some 1.2km to 1.8km distant of the eastern settlement boundary of West Kilbride as identified in the LDP. While this is within the 2km noted in SPP, the separation distance denotes an "area of significant protection" within which windfarms may be considered to be appropriate depending on the outcome of assessment against a range of criteria which may adversely impact on amenity e.g. visual impact, noise, shadow flicker etc. These issues are considered in detail in the Analysis section of this report.*

11. The proposed development would result in an adverse impact on local roads.

*Response: Neither Transport Scotland nor NAC Transportation have objected to the proposed development. If approved, conditions would be attached to the permission in relation to agreeing a traffic management plan, a roads condition survey and a delivery route survey.*

12. The proposed development would result in excess noise from the turbines impacting on nearby properties.

*Response: This is an issue on which NAC's Environmental Health has expressed concerns, and consider that the proposed windfarm would result in noise emission levels at noise sensitive premises in exceedance of noise targets stipulated by Environmental Health in line with national guidance (ETSU-R-97). Further information from the applicant has been requested by Environmental Health.*

13. The proposed development would result in water pollution.

*Response: SEPA was consulted on the application and while objecting on other grounds, stated that further information would require to be provided by the applicant regarding the collection containment treatment and disposal of contaminated site drainage. If approved, a condition could be attached to require a submission of a site drainage strategy as requested by SEPA. Environmental Health has also requested the applicant to provide further information on the potential impact of the proposal on private drinking water supplies.*

14. The proposed development would have an adverse impact on airport radar systems.

*Response: National Air Traffic Services (NATS) and Prestwick Airport (GPA) have both objected to the proposed development on the grounds of having an unacceptable impact on airport radar and aviation safeguarding criteria. GPA is currently working with the applicant with a view to identifying mitigation measures which would alleviate the concern. Glasgow Airport has submitted a holding objection, and is undertaking further assessments regarding the potential to conflict with the safeguarding criteria.*

15. The proposed turbines would have an adverse impact on the well-being of livestock within adjacent fields.

*Response: Whilst there is little documented evidence that such effects would occur, it is not considered to be a material planning consideration.*

16. The proposal will result in an adverse impact on tourism and house values.

*Response: The impact of any development proposals on property values is not considered to be a valid land use planning objection. In relation to tourism however, while there are conflicting results in relation to whether or not wind turbines adversely impact on tourism, the presence of the proposed turbines within the Clyde Muirshiel Regional Park, all be it in the southern extremity of the Park, could have an adverse impact on tourists visiting the area.*

17. Concern regarding public safety in relation to potential ice throw from turbine blades, collapse of towers, breakage of blades, or fire.

*Response: Examples of the above incidents are relatively rare in occurrence. It is noted that in relation to ice throw, turbines can be shut down during adverse weather conditions.*

18. Nearby properties would suffer the effects of shadow flicker from the proposed turbines.

*Response: The applicants EA acknowledges that four nearby residential properties could be at risk of the effects of shadow flicker under certain combinations of geographical position, time of day and time of the year and where flicker appears through narrow window openings. The applicant has submitted that control measures could be implemented in order to prevent shadow flicker occurring or to reduce its intensity e.g. by programming individual wind turbines that may give rise to shadow flicker effects to shut down at times when these effects may occur. The theoretical calculations of shadow flicker impact carried out by the applicant do not take account of intervening land forms or vegetation and therefore the predicted impacts are likely to be significantly less than shown and according the ES deems the potential impact to be low.*

19. The proposed development will result in restricting access to the general area for walkers and ramblers.

*Response: There are no statutory public Rights of Way within the application site however, while public access to the site may be temporarily disrupted during construction works for safety reasons, the proposed development once completed would provide improved access to the area through the provision of new access tracks.*

20. The proposed development would result in the loss of Blanket Bog.

*Response: SEPA has objected to the proposed development on the grounds of lack of information on this issue. The ES states that a Peatland survey was carried out however no results of this survey have been included in the planning application. Further information has been provided to SEPA by the applicant.*



21. The proposed development will have an adverse impact on significant archaeological remains within the locality.

*Response: Historic Scotland has commented on the potential impact on the "Blackshaw Quarry, Cup and Ring-marked Rock", a Scheduled Monument located within the site, and offer no objection to the proposed development. Although located within the application site, the Monument would not be disturbed by the development. The applicants' ES also identified a number of other archaeological features, which are outwith the remit of Historic Scotland to comment on and while a consultation was carried out with West of Scotland Archaeological Service, no response has been received to date. The ES also indicates a high potential of further archaeological discoveries within the application site and if approved, appropriate conditions could be attached to require further archaeological investigation or the appointment of an archaeological clerk of works to monitor all on site works during the course of construction.*

22. The Community Benefits which have been widely highlighted by the applicants should not be seen as being an acceptable form of mitigation for the adverse environmental impacts the proposed development would have on the local area.

*Response: Community Benefits are not a material consideration in the determination of the application.*

Grounds of Support:

1. Would result in environmental benefits in the form of reducing CO<sub>2</sub> emissions, be a safe and clean way of electricity production, and result in improved habitat management.

*Response - Agree, however these issues have to be weighed against other negative environmental considerations highlighted in this report.*

2. Would result in economic benefits in the form of community benefit payments, securing a large financial investment, job creation in construction (over 100 jobs) and maintenance (2 jobs), and the use of local contractors and suppliers.

*Response - Agree.*

3. The proposal will help meet renewable targets.

*Response – SPP advises that renewable targets should be only one of the considerations in the determination of the application.*

Consultations:

**SEPA** - Object on grounds of lack of information on peat survey results, protection of wetlands and peatlands, and habitat protection and enhancement.

*Response – The applicant has submitted additional information to SEPA regarding these matters however no reply from SEPA has been received to date.*

**Prestwick Airport (GPA)** – Object as the proposed turbines would result in additional radar clutter.

*Response – GPA advise that discussions are ongoing with the applicant to reach an agreement on mitigation measures and which if agreed to their satisfaction, would result in the removal of the objection.*

**National Air Traffic Services (NATS)** – Object as the proposed turbines would result in an unacceptable impact on their safeguarding criteria.

*Response – Noted.*

**Glasgow Airport (BAA)** – Submitted a 'holding objection' until a detailed assessment on the potential for the proposed turbines to conflict with safeguarding criteria can be undertaken.

*Response – Noted.*

**SNH** – It is outwith the statutory remit to offer advice on landscape/visual impacts, but request that the mitigation measures identified in the applicants' ES should be attached as conditions of any planning permission granted and also request additional conditions in relation to otter, bat and deer surveys.

*Response – Appropriate conditions can be attached should the Committee agree to grant permission.*

**NAC Environmental Health** – Express concerns in relation to the potential for the turbines to cause noise nuisance at nearby noise sensitive premises and request clarification from the applicants on the information contained within the ES. EH also requested further information from the applicants on private drinking water supplies.

*Response – A response on these matters is awaited from the applicant.*

**Historic Scotland** – Advise that while the development would result in an adverse impact on the Scheduled Monument of 'Blackshaw Quarry Cup & Ring marked rock', it would not be significant given its previous exposure to modern development in the locality. Also advise that it would have only a minor adverse impact on the Scheduled Monument of 'Knockjargon Cairn & Fort'.

*Response – Noted.*

**Transport Scotland** – No objections. Require to be consulted by the applicant on the movement of abnormal loads.

*Response – Noted.*

**NAC Transportation** – No objections subject to conditions being attached in relation to the submission of a Traffic Management Plan, a Roads Condition Survey and a Detailed Route Survey.

*Response - Appropriate conditions can be attached should the Committee agree to grant permission.*

**West Kilbride Community Council** – No objections, but make the following observations: contrary to NAC Landscape Policy; adverse environmental impact resulting to the felling of trees; site is within the Clyde Muirshiel Regional Park; question carbon dioxide savings; the tourism section of ES fails to take account of walking and cycling in the area; close to archaeological remains; uncertainty of grid connection route; question the suitability of the access to the site for large vehicles; Community Benefit offered by applicant should not be considered to be part of the proposal; and the ES contains erroneous information on the separation distance between the turbines and Faulds Farm.

*Response – Noted. Agree that the proposed development would be contrary to NAC's Landscape Capacity guidance and have an adverse impact on the Regional Park and therefore would be contrary to the adopted LDP. The other material matters have been considered by Consultees and/or addressed elsewhere in this report.*

**RSPB, MOD** – No Objections.

**Scottish Water, Clyde Muirshiel Regional Park, West of Scotland Archaeological Service** – No response to date.

### **3. Analysis**

The main determining issue of the proposed development is the requirement to satisfy policies PI9 (Renewable Energy), ENV 7 (Special Landscape Areas), and ENV1 (New Development in the Countryside) of the Local Development Plan.

In order to comply with Policy PI9 proposals for wind turbine developments must comply fully with the following range of criteria:-

- (a) be of appropriate scale and design to its surroundings; AND
- (b) have no unacceptable adverse impact on landscape quality; AND
- (c) not be within a "high sensitivity" area as defined in NAC's Landscape Capacity Study; AND
- (d) not result in unacceptable intrusion or have an adverse effect on the natural, built, cultural or historic heritage of the area; AND
- (e) not adversely impact on tourism/recreational interests; AND
- (f) be able to demonstrate that any adverse impacts on radar, broadcasting or telecommunication systems can be overcome; AND
- (g) achieve a satisfactory grid connection without adverse environmental impacts; AND
- (h) not resulting in an adverse cumulative impact; AND
- (i) satisfy the Ayrshire Supplementary Windfarm Guidance of 2009.

Criterion (g) is not directly relevant to this application as the grid connection is not part of the proposed development. Criterion (d) relates to impacts on the natural, built, cultural or historic heritage of the locality and given the absence of objections from statutory consultees and the offer of acceptable mitigation measures by the applicant in relation to these issues, the proposed development is considered to be acceptable, however it is considered that the proposed development would fail to satisfy the remaining criteria for the following reasons.

In relation to criterion (f), NATS safeguarding and Prestwick Airport (GPA) have submitted objections to the proposed development on the grounds of unacceptable impact on their radar systems. Glasgow Airport has submitted a holding objection until additional detailed investigations can be undertaken to establish if their radar system would be similarly affected. GPA have advised that they are currently discussing mitigation measures with the applicant to overcome this problem, however these discussions have not progressed to the extent that would allow the withdrawal of the objection.

In relation to telecommunications links, the ES identifies two links which might be adversely impacted by the proposed turbines. The applicants advise that discussions are ongoing with the operators of these links with a view to agreeing any mitigation measures that may be required to safeguard these links. They also confirm that any required mitigation would be implemented prior to the construction of the proposed development. The ES also advises that while the proposed development is unlikely to adversely impact on TV reception, they agree to fully investigate and rectify any post operational complaints received.

In relation to criteria (b) and (c), the proposed turbines would be located within the Rugged Moorland Hills and Valleys - Haupland Muir landscape character type as identified in both the 2009 and 2013 NAC Landscape Capacity Studies. This landscape comprises a relatively small area of low hills lying at the southern end of the Clyde Muirshiel Uplands. The well-defined and higher hills of Knockewart and Blackshaw lie on the northern boundary of this landscape while more gently graded south-western slopes fall to the coastal edge, where they form a backdrop to the settlements of Ardrossan and Saltcoats. The visually dominant existing Ardrossan wind farm is located within the upland core of this landscape and on the gently graded south-western slopes. The upland core of this landscape is unsettled and comprises open grass moorland with gorse scrub and some small coniferous plantations with the lower hill slopes patterned with compact farms, small woodlands and fields enclosed by hedges.

The 2013 Capacity Study found that the limited extent of this landscape and the presence of the Ardrossan wind farm, which occupies much of its less sensitive upland core, are key constraints increasing sensitivity to all development typologies. The study concluded that this landscape has a high sensitivity to turbines over 30m high to blade tip.

Key constraints listed in the 2013 Capacity Study for the Rugged Moorland Hills and Valleys – Haupland Muir landscape character type (and relevant to this proposal) include:-

- Lower hill slopes and valleys lying on the fringes of this landscape where small farms, enclosed fields, woodlands and trees provide scale references which would be dominated by larger turbines;
- The setting of the existing Ardrossan wind farm which is clearly associated with more gently graded south-western slopes and is partially contained by the higher Knockewart and Blackshaw Hills to the north and where additional turbines, and particularly separate developments, sited in this landscape character type, would diminish its design integrity and result in significant cumulative effects; and
- Views from Ardrossan, the coast and Firth of Clyde and also from close-by roads and settlement where additional turbines sited on higher and/or more well-defined outer hills, or breaching the containment provided by the Knockewart and Blackshaw Hill to the north, would increase the prominence of wind turbine development from surrounding roads and settlement.

The proposed development would abut the operational Ardrossan wind farm which comprises 15 turbines, each of 100m high to blade tip. This proposal is for 6 turbines, 125m high to blade tip, and when considering the different size of turbines of the two developments, it is considered that this proposal would appear in distant views from the south as a reasonably well integrated extension to the Ardrossan turbines, in close views from the north and north-west, the larger 125m high turbines of this proposal would create a discordant appearance when seen with the smaller Ardrossan wind farm turbines. This effect is particularly evident in visualisations from viewpoints 3 and 6 in the ES when viewed from the B781, close to the proposed site access junction, and from Goldenberry Ave, West Kilbride and, to a lesser extent in the more distant views from Cumbrae. The detailed assessment set out in the applicants Landscape and Visual Impact Assessment (LVIA) of the ES for these viewpoints accepts this effect.

In terms of siting, the proposed development sits within a saddle lying at the foot of the small but distinctive Blackshaw Hill. It is considered that the tall turbines of this proposal would overwhelm the scale of this hill and the nearby Law Hill in some close views to the north and west of the site from the B781 and West Kilbride area. The 2013 Capacity Study notes the importance of these distinctive 'edge' hills in providing containment to the Ardrossan wind farm. The LVIA concludes that the proposed development would contrast with the scale of these hills and in some views would appear to breach the... "topographic threshold formed by Blackshaw Hill". In some close views from the west the proposed turbines would appear to extend up to the landform of Law Hill, contrasting with the siting and design of the Ardrossan wind farm.

The Ardrossan wind farm was specifically designed to form a clustered grouping sited within the core of an upland area which is limited in extent. Its siting at the core of this upland area, together with the degree of containment provided by a rim of higher hills and knolls reduces the intrusion of this wind farm, particularly in views from the north and north-west. The LVIA contends that the proposed development would retain the setting and design integrity of the Ardrossan wind farm and form, however it is considered that given the significant contrast in size between the turbines of the proposed development and the Ardrossan wind farm, and the compromising effect on the containing hills of Knockewart, Blackshaw and Law Hill, which effects also accepted in the LVIA, this proposal would adversely affect the design integrity of the original layout. SNH guidance "Siting and Designing Wind Farms in the Landscape" of 2014 advises that " design objectives and principles should echo those of the original wind farm. Extensions should use turbines which are compatible with those in the existing wind farm, including aspects of scale, form, colour and rotation speed. The design rationale of the original wind farm development should not be eroded" , and continues....."Such compatibility issues will be more important the closer the wind farms are. Extensions should not compromise the landscape setting of neighbouring wind farms and should respect existing focal points in the landscape".The siting and design of the proposed development is therefore considered to be contrary to the principles set out in SNH guidance

The LVIA includes a detailed critique of the findings of the 2013 NAC Capacity Study in relation to the sensitivity of the Haupland Muir landscape character type and considers that the high sensitivity accorded to this landscape in the study is not credible and that the proposed development would consolidate development in a landscape already influenced by wind farms. However the LVIA accepts that the proposed development would result in a significant effect on part of the Rugged Moorland Hills and Valleys - Haupland Muir landscape character type and on part of the Clyde Muirshiel Regional Park. There would also be significant effects arising on parts of the North Ayrshire Raised Beach Coast and Rugged Moorland Hills and Valleys - Blaeloch and Crosbie Hills landscape character types. The LVIA summarises these effects as principally increasing the presence of wind turbines to the north of the operational Ardrossan wind farm and reducing the sense of containment provided by the rugged, well-defined Blackshaw and Knockewart Hills.

The Council's Landscape Consultant considers that significant effects on views would be likely to occur from 8 representative viewpoints lying within 6km of the proposed development. There would be significant effects when viewed from sections of the B781, from parts of the settlements of West Kilbride and Ardrossan and from parts of Core Paths NC60, NC23 and NC 28 ( paths along the coastline at West Kilbride - Hunterston and on inland routes heading north from West Kilbride). A detailed assessment from dispersed rural residential properties was also undertaken by the applicant which accepted that significant impacts on visual amenity would arise at a number of individual properties.

The Council's Landscape Consultant disagrees with the findings of the applicant's LVIA with regard to the sensitivity of the *Rugged Moorland Hills and Valleys – Haupland Muir* landscape character area. The LVIA disputes the judgement made in the Council's 2013 Capacity Study that this landscape is of high sensitivity to large wind turbines, by citing its large scale, the existence of settlement and man-made features and the limited sense of remoteness/naturalness as factors reducing sensitivity. The assessment set out in the 2013 Capacity Study clearly states that one of the key constraints limiting the scope for additional turbines to be accommodated in this landscape is the presence of the operational Ardrossan wind farm. This is because of the potential effects on the design integrity of the Ardrossan wind farm, which was specifically designed to relate to the simpler core of Haupland Muir, and to benefit from a degree of containment offered by the surrounding Knockewart and Blackshaw Hills.

While this proposal would consolidate development in landscapes with existing wind farms, it would also result in significant cumulative landscape and visual effects because of its discordant relationship to the Ardrossan wind farm and also because it is sited in an upland area which is confined in extent and lies close to more sensitive hills, farmland and settlement on lower slopes. These effects are acknowledged in the LVIA in the detailed assessment from a number of viewpoints where significant effects are judged to arise on close views from the area to the north and west of the proposed development.

There is currently limited visibility of the operational Ardrossan wind farm from the B781 Dalry - West Kilbride Road, and this proposal would extend the influence of wind farms along this route with views of turbines occurring in close proximity (within 1km) of the road. The 125m high turbines would overwhelm the scale of the prominent Blackshaw Hill and smaller scale fields, trees, woodlands and buildings seen in the foreground of these views.



In more distant views from the south the proposed development would appear reasonably well integrated with the operational Ardrossan wind farm as it forms a concentrated grouping, however, the disparity of scale between the turbines of this proposal and the Ardrossan wind farm and the 'breaching' of the present containment provided by Blackshaw and Law Hills to the existing wind farm is pronounced in close views from the west along the B781 and in the West Kilbride area.

The main cumulative impact arising from this proposal would principally arise with the Ardrossan wind farm because of the close proximity of the proposed development to it. Additional significant cumulative impacts would also arise where this proposal is seen together with the operational Ardrossan and Kelburn wind farms and the operational/consented Hunterston wind turbines in views from parts of Cumbrae and Bute although the close proximity of this development to the Ardrossan wind farm, would reduce its contribution to these impacts.

While the applicant claims that the proposed development should be viewed as consolidating new development in areas already affected by operational wind farms, it would result in significant cumulative landscape and visual impacts because it would not be compatible in terms of its siting and design in relation to this existing development with the proposed turbines being 25m (25%) higher than the Ardrossan turbines in some views and because it would breach the containment provided to this operational wind farm by the prominent hills of Knockewart, Blackshaw and Law Hill.

While the applicants LVIA concludes that the proposal is appropriately designed and sited to relate to its surroundings, the detailed assessment, also set out in the LVIA, highlights a number of significant landscape and visual effects arising from the location and design relationship of the proposal with the operational Ardrossan wind farm. While appearing as an extension to the Ardrossan wind farm, because of its close proximity, it is not considered that it would be a well designed and appropriate extension in close views from the west. It would also open up new visibility of very large turbines seen in conjunction with smaller scale features and compromise the containment provided by Knockewart and Blackshaw Hill from the B781 and the south-facing slopes of the Crosbie Hills to the north of the proposal development.

In view of the above, the proposal does not accord with the guidance contained in the Landscape Capacity Study and would be unacceptable in terms of landscape and visual appearance, and would result in an unacceptable cumulative visual impact and accordingly result in failure to comply with criteria (a), (b), (c) and (h) of policy PI9.

In relation to the issue of tourism/recreation, there is conflicting evidence of the impact that large scale wind farms can or do have on tourism and recreational interests. The application site lies within Clyde Muirshiel Regional Park (CMRP) and while it could be argued that the site is located at the southern end of the Park and close to other windfarms within it, the proposed turbines would represent a further intrusion into this Special Landscape Area and with the potential, if approved, to set a precedent for other similar developments in the locality, the cumulative impact of which, is considered, would have an adverse impact on visitors to the area or the enjoyment of the Regional Park for general recreational pursuits and accordingly would result in failure to comply with criterion (e) of policy PI9.

Criterion (i) of PI9 requires the proposed development to satisfy the relevant criteria of the Ayrshire Supplementary Guidance: Windfarm development of October 2009. In view of the above assessments, the proposed development is considered to have failed to satisfy some of the key criteria of this Guidance, namely in relation to Landscape and Visual Impacts, Cumulative Impact, Aviation, and Tourism. A further criterion of the Guidance relates to "Communities", and acknowledges that wind farms have the potential to create significant long term adverse impacts on the amenity of an area on health, well being and quality of life of people living or working nearby, and highlights the potential for adverse impacts from Shadow Flicker, Noise and Visibility. It states that "development will not generally be supported within 2km of a town and village or within either 700 metres or a distance of 10 times the turbines rotor blade diameter (whichever is the greater) from an individual dwelling, work place or community facility unless the developer can demonstrate the impacts are acceptable". The proposed turbines are within both these stated "buffer zones", being only some 1.25 Km from the settlement of West Kilbride, and within 1 Km (10 times the turbines rotor blade diameter of 101m) of 5 nearby dwellings.

In relation to Shadow Flicker, the applicant has submitted an assessment on this topic which accepts that four nearby residential properties could be at risk of shadow flicker under certain combinations of geographical position, time of day and time of the year and where flicker appears through narrow window openings. The theoretical calculations of shadow flicker impact carried out by the applicant do not take account of intervening land forms or vegetation and therefore the predicted impacts are likely to be significantly less than shown and according the ES deems the potential impact to be low. The applicant has submitted that control measures could be implemented in order to prevent shadow flicker occurring or to reduce its intensity e.g. by programming individual wind turbines that may give rise to shadow flicker effects to shut down at times when these effects may occur and this is considered to be acceptable.

In relation to noise, Environmental Health has serious reservations in relation to the potential for the turbines to cause noise nuisance at nearby noise sensitive premises and has requested clarification from the applicant on information contained within the ES. In the absence of an assurance from EH that the proposed turbines would be able to operate without resulting in such a noise nuisance, thereby conflicting with the Ayrshire Supplementary Guidance and consequently failing to satisfy criterion (i) of Policy PI9.

Policy ENV 7 of the LDP states a general presumption against development within Special Landscape Areas, including Clyde Muirshiel Regional Park. Whilst the policy would allow renewable energy generation developments, subject to satisfying a set of qualifying criteria, this proposal fails to satisfy the criteria as it is considered that it would result in an unacceptable visual impact and cumulative visual impact on the landscape character of the area.

The above reasons for failure to satisfy Policies PI9 and ENV7 were also the main grounds of objection contained within the 55 letters received as objections to the proposed development.

The proposed development is also considered to be contrary to Policy ENV1 of the LDP which relates to all new development in the Countryside, excluding housing. This policy only allows developments to accord with the LDP if they are necessary developments associated with agriculture, forestry or other established rural businesses; small scale Class 4 businesses with a specific locational need; essential public infrastructure with a specific locational need; being within an existing rural village; or which constitute an acceptable form of tourism development. The proposed development does not fall within any of these criteria and therefore is considered to be contrary to Policy ENV1 of the LDP.

The remaining components of the proposed development, including the new junction and access tracks, the erection of a meteorological mast, and the excavation of borrow pits and the construction of a sub-station and control building, have been assessed and are not considered to have any significant adverse impact on the area, which could not be addressed by the imposition of appropriate conditions.

In conclusion therefore, it is considered in relation to the LDP that the proposal would be contrary to Policy ENV1 and would not accord with the relevant criteria of Policies PI9 and ENV7 in that it would represent development which would (i) have both an adverse visual impact and cumulative visual impact, being located within a "high sensitivity" area as designated in the North Ayrshire Supplementary Landscape Wind Energy Capacity Study of 2013, within which there is not considered to be scope for further additional large turbines; (ii) impact adversely on tourism and recreational interests and on the Sensitive Landscape Area of Clyde Muirshiel Regional Park; (iii) have the potential to create significant noise nuisance at nearby residential properties; (iv) impact adversely on airport and aviation safeguarding; and (v) set an undesirable precedent for further developments at this sensitive location.

#### **4. Full Recommendations**

Refuse for Reasons contained in Appendix 2



**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
10 August 2015

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

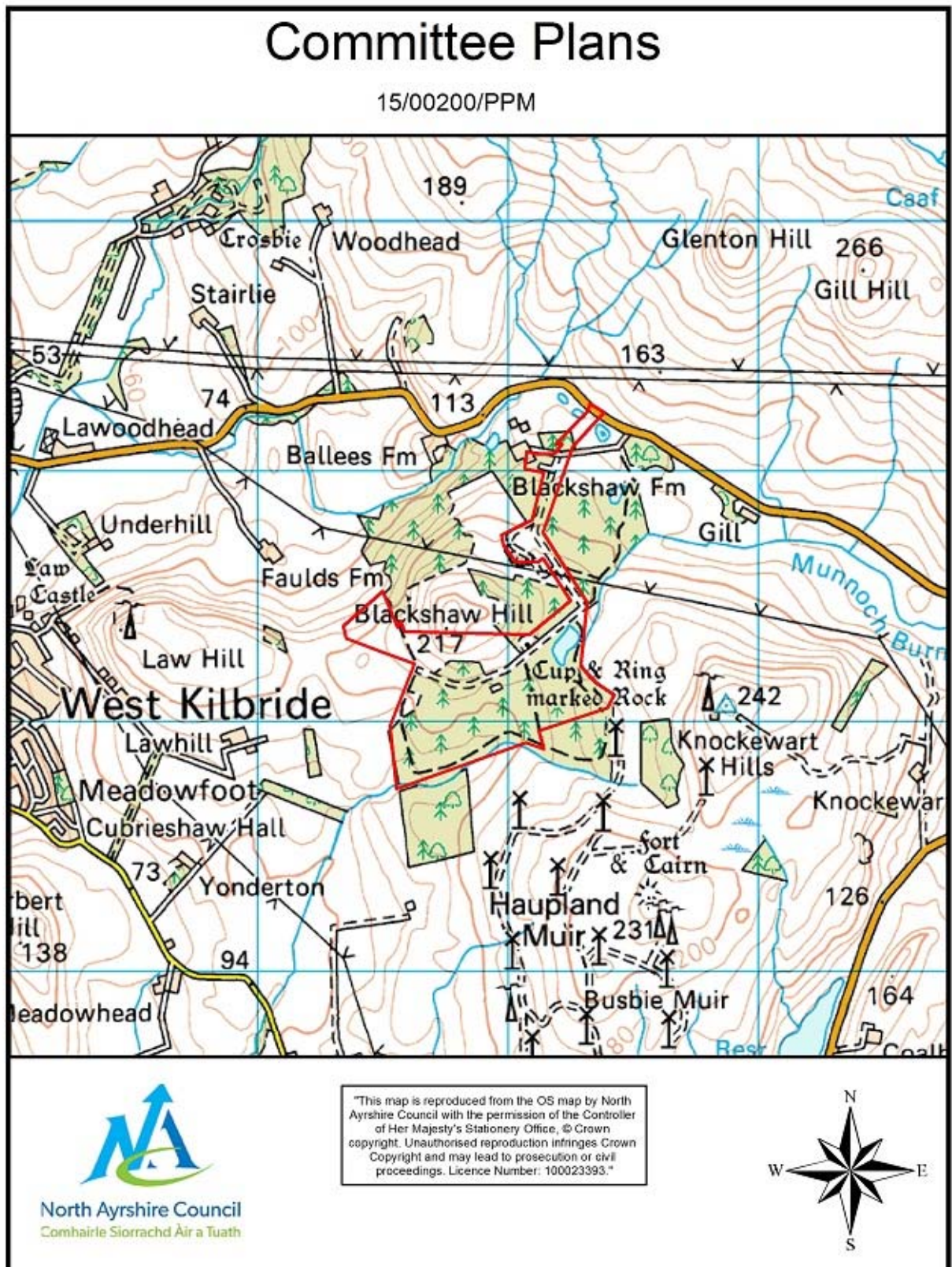
## APPENDIX 2

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00200/PPM**

Refuse on the following grounds:-

1. The proposal would be contrary to Policy ENV1 of the Adopted North Ayrshire Council Local Development Plan as a development which does not accord with the stated criteria.
2. The proposal would be contrary to Policy ENV7 of the Adopted North Ayrshire Council Local Development Plan being a development which:
  - would be inappropriate in design and scale to its surroundings;
  - have an unacceptable direct and cumulative impact on landscape character and the visual amenity of the area; and
  - result in an adverse visual impact on the Special Landscape Area of Clyde Muirshiel Regional Park.
3. The proposal would be contrary to Policy PI9 of the Adopted North Ayrshire Council Local Development Plan by reason of:
  - inappropriate in design and scale to its surroundings;
  - unacceptable adverse impact on the intrinsic landscape qualities of the area;
  - location within an area designated as “high sensitivity” in the Landscape Capacity Study for Wind Farm Development in North Ayrshire;
  - adverse impact on tourism and recreational interests;
  - adverse impact on airport and aviation safeguarding;
  - adverse cumulative visual impact; and
  - contrary to the Ayrshire Supplementary Guidance : Wind Farm Development (October 2009)
4. The proposed development would set an undesirable precedent for further developments at this sensitive location









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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 6.2**

Planning Committee

**26 August 2015**

Planning Area

**North Coast and Cumbraes**

Reference

**15/00371/PPPM**

Application

**29 June 2015**

Registered

Decision Due

**29 October 2015**

Ward

**North Coast and Cumbraes**

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

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**Location**sportscotland National Centre Inverclyde  
Burnside Road  
LARGS**Applicant**sportscotland  
The Doges  
Templeton on the Green  
62 Templeton Street  
GLASGOW  
G40 1DA**Proposal**Construction of a 60 bedroom, fully inclusive accommodation building with associated dining and conferencing facilities and the partial demolition and re-building of sports facilities to form a new gym and changing rooms, reconfiguration of road with associated car parking and landscaping works.

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## **1. Description**

This application is for planning permission in principle for the re-development of the Inverclyde Sport Centre, Largs. The existing residential accommodation over four storeys was demolished earlier this year. It is proposed to provide a replacement facility as a regional hub for an extended range of able bodied and disability sports training, providing flexible facilities to fully accommodate elite, club, school and community recreational use.

As noted above the proposal would provide 60 accessible bedrooms with associated dining and conferencing facilities, and an improved sports facility associated with the existing games hall and gymnasium. In addition to the already demolished former residential building, 'Burnside House', other ancillary outbuildings located to the south of the games hall would also be demolished. These buildings are used for grounds maintenance and would be replaced as part of the overall project.

The main access from Burnside Road would remain with a re-configured internal layout providing improved access to the rear of the buildings for both car and coach parking and improved pedestrian access.

Whilst the proposal is focused on the re-development of the existing buildings, the application site sits within the large grounds which provide extensive outdoor leisure facilities, including sport pitches, tennis courts, the Weir 3G indoor pitch and the Bob Torrance School of Golf. There is mature woodland through the middle of the site including the tree lined access road. The site is located on the eastern edge of the built up area of Largs extending up into the hills above the town and into the Clyde Muirshiel Regional Park.

The applicant advises that this application forms part of the tendering process which would comprise of a design and build project, with the successful tenderer being responsible for the submission of an application in respect of the Matters Specified in Conditions by the end of August 2015, with an anticipated site start date, subject to the successful planning process, towards the end of 2015.

In support of the application the applicant has submitted a Design Brief, a Planning Statement, an Ecology Report and a Pre-Application Consultation Report. The Design Brief sets out the parameters for the perspective tenders.

The Planning Statement notes that despite the investment of recent years evidence shows that the existing building was no longer fit for purpose and had a layout which prevented the centre from maximising its potential. Therefore the decision was taken by the Scottish Government to fund the replacement to fully embrace inclusivity in all able bodied and para sports. The centre would also retain its role as a residential centre for schools, for clubs and a venue to accommodate residential coaching and volunteered development programmes as well as accommodating events and competitions including world sailing events held at the Scottish Sailing Institute.

The total site within the applicant's control extends to 40 hectares dedicated to the provision of sports in North Ayrshire. The site provides a gymnastic training facility, a main sports hall measuring 36 x 38 metres, a multi purpose hall, two squash courts, a dance studio, a fitness suite, an indoor 3G pitch, four outdoor grass pitches, a synthetic hockey pitch, four synthetic tennis courts, a golf development course, a target range, a traverse wall and an orienteering course. All of these facilities would be retained with the exception of the multi purpose hall, and ancillary changing and cafe areas, which due to their condition would be replaced as part of the overall development. The report notes that the grounds maintenance and cottage buildings to the south of the sports hall have deteriorated to such an extent that refurbishment is no longer economically viable and the replacement maintenance facility is planned under a separate planning application. An application for the erection of a replacement groundsman workshop was approved on 30th July 2015 (ref. 15/00360/PP).

In addition to retaining the existing users of the site, significant opportunities have been identified to grow the use of the centre including its link with the major sailing events at Largs and the emerging proposals for the Largs campus. Whilst the subject of a separate application in terms of the matters specified in condition, the applicant anticipates the design of the new building to be exemplar providing a high quality environment for all users.

In terms of transportation strategy, the applicant notes that the proposal is for a like for like replacement of the existing centre with overall improvement on occupancy from 40 per cent to 65 per cent. It is considered that such an increase is still well within design capacity. In these circumstances, it is accepted that a full transportation assessment is not required, neither is there any requirement for off-site road improvements to the local road network, although this matter would be fully considered at the detailed application stage. A Travel Plan would be completed by the successful tendering team. The Ecology Report notes that a Phase 1 Habitat Survey was undertaken in June 2015, which covered the wider area of the applicant's estate. No evidence of protected mammals' species was found, and three small patches of Japanese Knotweed were noted for treatment in due course.

The Pre Application Consultation Report notes that in the course of the four hour event a total of eight people attended at the local library. The applicant suggests that the low attendance may reflect that there was extensive publicity in respect of the proposal and it was known that the event was at the design principle stage and for this reason the applicant is committed to holding a further public event when the detailed design is available, and would also consider the use of an alternative venue, such as Vikingar, to encourage wider interest.

In terms of the North Ayrshire Local Development Plan, the applicant's ownership at this location is allocated as open space. In addition the site forms part of a larger area designated as a special landscape area and finally the site is located within the Clyde Muirshiel Regional Park. Strategic Policies STRAT2 and STRAT4 and Land Use Policies ENV 3, ENV7, ENV12, PI1, PI8, TOU1 and the General Policy are all relevant to the consideration of this application.

## **2. Consultations and Representations**

The statutory neighbour notification procedure was undertaken and the application was advertised in the local press on 8th July 2015 and in response no objections or representations were received.

### **Consultations**

**SEPA** - Offer no objections but would expect North Ayrshire Council to undertake the responsibilities as the flood prevention authority and offer advice on this matter.

*Response - Comments are noted and a copy of the consultation response has been passed to the applicant for information.*

**SNH** - Submitted an interim report which highlighted that Burnside House had since been demolished and queried whether a bat survey was undertaken prior to demolition.

*Response - Again this point has been referred to the applicant for comment and a response is awaited.*

**NAC Transportation** - No objection but note that access is at present from a private road and that the internal road layout would be re-designed. Traffic levels are expected to remain within the capacity of the site and further parking provision would be made as part of the detailed application for the development in due course. Finally it is noted that a travel plan would be developed and reviewed regularly, with cycle storage to be provided for a minimum of 10 per cent of the expected peak usage of the centre. It is recommended that conditions be applied in respect of provision of a dropped kerb to provide a short length of footway at the entrance of the private road and that covered secure cycle storage be provided as part of the development.

*Response - It is considered that these matters can be properly addressed within the application for matters specified in condition.*

**Largs Community Council** - Note that the supporting statements consider that the design would be considered an exemplar of its type in the country and its design must reflect its status as the National Centre for sport and the building would have prominent position in the landscape and as such should use high quality materials. The Community Council consider the development should meet the conditions of Policy ENV7(d)(2)(g) of the Local Development Plan and would provide further comment at the detailed design stage.

*Response - Noted.*

### **3. Analysis**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions taken by the planning authority shall be in accordance with the Development Plan unless material considerations indicate otherwise. This application for planning permission in principle, seeks permission for the re-development of part of the existing national sport centre at Inverclyde. As noted above the application requires to be assessed in terms of both the Strategic and Land Use Policies of the Adopted Local Development Plan. Strategic Policy 2 seeks to safeguard and promote new employment opportunities. The proposed re-development of the facility would both retain and enhance employment opportunities at the national centre with residential accommodation for 60 bedrooms for use by a range of customers. Strategic Policy 4 - Tourism, notes that the tourism industry in North Ayrshire is one of our strengths and plays a key role in our local economy. The proposed development would provide enhanced tourism facilities which would attract business from a national area.

In terms of Policy ENV 3, the site lies within Noddsdale Water (Brisbane Glen) & Kilburn Glen Local Conservation Site. The Ecology Report notes that a Phase 1 Habitat Survey was undertaken in June 2015, which covered the wider area of the applicant's estate. No evidence of protected mammals' species was found. It is not anticipated from the information provided that the development would involve any significant tree works. However, any tree impacts would be assessed as part of the approval of matters specified in conditions.

In terms of Policy ENV7, the proposal accords with ENV7(b) as a recreational, leisure or tourism proposal which would bring a level of social and economic benefit to the area. Furthermore the development would be confined to the site of existing buildings. Criterion (d) of the Policy requires the proposal to be appropriate in design and scale to its surroundings, which matters would be fully addressed in the further submission. The proposal would replace the former residential unit.

Policy ENV12 - Development of Open Space, is relevant to the consideration of the application. The existing outdoor facilities would not be affected by this proposal and it is noted that the application includes the enhancement of the existing indoor facilities associated with the centre. For these reasons it is considered that, in principle, the proposal accords with Policy ENV12.

Policy PI 1 requires that all development proposals which will result in significant trip generation require to have taken account of the needs of walkers, cyclist and public transport users. This policy would therefore apply to the proposed development.

It is noted that a Travel Plan will be prepared for the facility. This would accord with Policy PI 1. This should consider access to/from the development by active travel. Further information on the Travel Plan would therefore be welcomed.

The Design Brief highlights that the development aims to promote the use of public and sustainable transport. The Access and Landscape section highlights the proposed provision for such access. This section currently proposes the provision of "Pedestrian access routes connecting with the remainder of the estate". Any routes created should provide for multi user and all abilities access wherever possible. Further consideration should therefore be given to how walkers and cyclists will access and move within the facility. Further detail would therefore be welcomed.

The Design Brief and Planning Statement advise that “Covered cycle racks should be placed near to the main entrance of the building.” This proposal is welcomed however further detail on the number of spaces and nature of the provision is required to assess the sufficiency of the cycle parking proposed. This should provide for a minimum of 10% of the peak level of usage of the development in line with the Cycling Action Plan for Scotland (CAPS). Any such provision should provide for secure cycle parking in a visible and accessible location in accordance with Policy PI 1 of the adopted LDP. Further detail would therefore be welcomed.

In terms of Policy PI 8, according to SEPA flood extent maps, sections of the site that border two minor watercourses are at a medium 1:200 year flood risk. These issues would be assessed as part of the approval of matters specified in conditions.

Policy TOU1 supports the development of new tourist facilities, hotels, boarding houses etc. which again accords with the proposal as submitted.

Finally the General Policy matters would be addressed within the subsequent submission in respect of the matter of specified and conditions.

For the reasons given above, it is considered that the application in principle be supported.

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

Grant as per Appendix 1.



**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
28 July 2015

For further information please contact James Miller, Senior Manager Planning Services , on 324315

JM/FG





## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 15/00371/PPPM**

Grant subject to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That the further application(s) required under the terms of Condition 1 above shall include a Travel Plan and any measures detailed therein to reduce car trips, 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 adopted North Ayrshire Local Development Plan.
3. That the further application(s) required under the terms of Condition 1 above shall include a Flood Risk Statement to address the medium 1:200 year flood risk to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. In order that these matters can be considered in detail.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. To meet the requirements of the Scottish Environment Protection Agency.

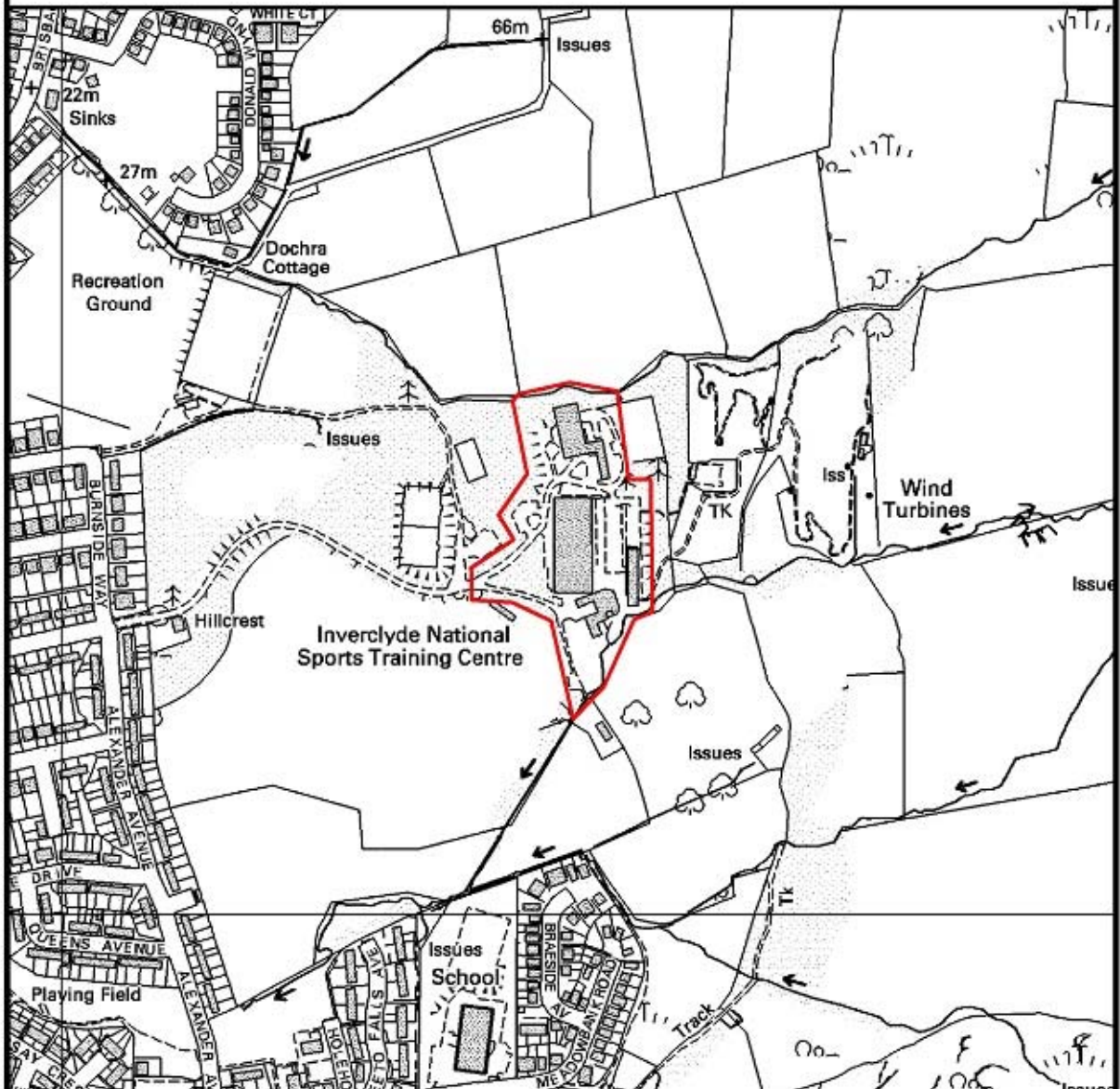
Reason(s) for approval:

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



## Committee Plans

15/00371/PPPM



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 7**

**26 August 2015**

#### **Planning Committee**

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**Subject:** Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: land at site of former, Ardeer Primary School, Garven Road, Stevenston

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**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

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**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 of the land on the local area.

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#### **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 land at the site of the former Ardeer Primary School, Garven Road, Stevenston. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land which is adversely affecting the amenity of any part of the area a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The land comprises the site of the former Ardeer Primary School, bounded to the east by Garven Road and to the west by Morris Moodie Avenue. The site is adjoined by residential properties to the north and south and is overlooked by residential properties on all sides.
- 1.3 The land has been used for dumping of what appears to be primarily household items and waste. There has also been an accumulation of litter on the land. The land is enclosed by a brick wall to the north and south and a metal palisade fence to the east and west; however, the land is highly visible from the adjacent streets and residential properties. The condition of the land due to the accumulation of refuse and litter has a significant adverse impact on the amenity of the local area.

## **2. Current Position**

- 2.1 Planning permission was granted in 2009 for the erection of 20 dwellinghouses on the site. This permission was not implemented and has subsequently lapsed. There is no other permission for development of the site.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land on the 12th May 2015, revealed that refuse had been dumped on site and that there had been an accumulation of litter. The owner of the land, Topaz Developments Ltd, was written to and requested to clear the site and confirm their intentions within 21 days. No response was received. Following further correspondence, it was revealed that the owner had entered administration. The administrator has informed the Council that there is no money left within the company.
- 2.3 Given the above, it is considered that there is little prospect of the owner taking any action to alleviate the harm caused by the condition of the land.

## **3. Proposals**

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The land is located within a predominantly residential area of Stevenston.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
  - (i) Removal of the refuse and litter from the land.

## **4. Implications**

### **Financial Implications**

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

Cleansing have been made aware of the condition of the land. They have confirmed that they would be able to enter the land and carry out any required works, subject to the issue of a Notice conferring access. The estimated cost of any works is to be advised.

#### Human Resource Implications

- 4.2 N/A

#### Legal Implications

- 4.3 The proposed Wasteland Notice is in accordance with Statutory Regulations.

#### Equality Implications

- 4.4 N/A

#### Environmental and Sustainability Implications

- 4.5 N/A

#### Implications for Key Priorities

- 4.6 The proposed Wasteland Notice supports the Council Plan priority - "Protecting and enhancing the environment for future generations."

#### Community Benefit Implications

- 4.7 The proposed Wasteland Notice would address complaints about the condition of the site, which have been raised by local residents.

### **5. Consultations**

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

## **6. Conclusion**

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



KAREN YEOMANS  
Executive Director (Economy and Communities)

Reference : ID

For further information please contact Iain Davies, Planning Officer on 01294 324320

### **Background Papers**

None



