



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Cunninghame House,  
Irvine.

10 September 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 16 SEPTEMBER 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 26 August 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. Irvine/Kilwinning**

Submit report on the following application:

**09/00690/PPPM: Irvine Harbour, Harbour Street, Irvine (Page 11)**

Planning permission in principle for mixed use development comprising up to 360 residential units, hotel, up to 2,700m<sup>2</sup> of commercial space divided between offices, cafe/restaurant, retail and health/leisure use (copy enclosed).

**4. North Coast and Cumbraes**

Submit report on the following application:

**15/00200/PPM: Blackshaw Farm, West Kilbride (Page 57)**

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).

**5. Notice under Section 179 of the Town and Country Planning (Scotland) 1997: 111 Bank Street, Irvine, Ayrshire KA12 0PT (Page 83)**

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).

**6. Waste Collection and Storage Planning Guidance (Page 89)**

Submit report by the Executive Director (Economy and Communities) seeking approval of the Waste Collection and Storage Planning Guidance (copy enclosed).

**7. Urgent Items**

Any other items which the Chair considers to be urgent.

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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  
26 August 2015

**Irvine, 26 August 2015** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

Matthew Brown, John Ferguson, Robert Barr, John Bell, Ian Clarkson, Joe Cullinane, Ronnie McNicol, Tom Marshall and Robert Steel

**In Attendance**

C. McAuley, Head of Service (Economic Growth) and J. Miller, Senior Manager (Planning) (Economy and Communities); and A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

John Bruce.

**1. Declarations of Interest**

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Barr, as the Chair of a local committee with an interest in the work of Community Windpower Ltd, declared an indirect, non-pecuniary interest in application 15/00200/PPM from Community Windpower Limited for the erection of six wind turbines at Blackshaw Farm, West Kilbride, submitted under Agenda Item 6.1, and left the meeting for that item of business.

**2. Minutes**

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.

**3. Ardrossan Saltcoats and Stevenston**

**15/00279/MDPO: Coalhill Farm, Ardrossan**

Mr Allan Kerr Reid, Coalhill Farm, Ardrossan has applied for the removal of Section 75 obligation for agricultural occupancy restriction. No objections or representations were received and no consultations were undertaken.

The Committee agreed to grant and discharge the associated Section 75 Agreement in respect of the property at Coalhill Farm, Ardrossan.

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

##### **15/00319/ALO: Site to north of Ford Wood, Kilbirnie**

The Committee noted that the application submitted by Gatehouse Property Services, 43 Portree Avenue, Kilmarnock for the removal of Section 75 obligation attached to planning permission N/04/00552/PP relating to occupancy restriction at the site to the north of Ford Wood, Kilbirnie had been withdrawn by the applicant.

#### **5. Irvine/Kilwinning**

##### **15/00344/PPPM: Menzies Hotel, 46 Annick Road, Irvine**

Topland Hotels (No. 14) Limited, c/o Savills (UK) Ltd, 8 Wemyss Place, Edinburgh have applied for planning permission in principle for a residential development and refurbishment works to the hotel, including alterations to access, parking, landscaping and infrastructure at the Menzies Hotel, 46 Annick Road, Irvine. One representation and one objection have been received, as detailed in the report.

The Committee agreed to grant the application, 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.

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

### **6.1 15/00200/PPM: Blackshaw Farm, West Kilbride**

Community Windpower Ltd, First Floor, 2 Parklands Way, Maxim Business Park, Motherwell have applied for planning permission for the 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 on a site at Blackshaw Farm, West Kilbride. 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.

The Committee was advised of additional representations received, comprising one letter of objection, one letter of support and a submission from the applicant of 51 pro-forma letters of support. The letters re-state points already received and considered by the Planning Authority.

The Committee was further advised that the applicant has requested that the determination of the application be postponed until the next meeting to allow an opportunity to consider further issues in respect of the internal landscape consultation regarding the scheme, a response from Environmental Health in relation to noise and private water supplies and outstanding aviation issues.

The Committee agreed to continue consideration of the application to the next meeting, to allow Members to undertake a site familiarisation visit .

### **6.2 15/00371/PPPM: sportscotland National Centre Inverclyde**

sportscotland, The Doges, Templeton on the Green, 62 Templeton Street, Glasgow have applied for planning permission in principle for the 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 at sportscotland National Centre Inverclyde, Burnside Road, Largs.

The Committee was advised of the late submission of a letter of support for the application.



The Committee agreed to grant the application, 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.
- 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**

Submitted report by the Executive Director (Economy and Communities) on the proposed serving of 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, in relation to land at the site of the former Ardeer Primary School, Garven Road, Stevenston.

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. It is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure the removal of the refuse and litter from the land.

The Committee agreed to approve 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, in relation to the land at the site of the former Ardeer Primary School, Garven Road, Stevenston.

The meeting ended at 2.40 p.m.



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

**16 September 2015**

Planning Area

**Irvine/Kilwinning**

Reference

**09/00690/PPPM**

Application

**21st October 2009**

Registered

Decision Due

**21st February 2010**

Ward

**Irvine West**

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<b>Recommendation</b>	<b>Grant with Conditions contained in Appendix 1</b>
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<b>Location</b>	Irvine Harbour, Harbour Street, Irvine
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<b>Applicant</b>	Irvine Bay Developments c/o Ayrshire Innovation Centre 2 Cockburn Place IRVINE KA11 5DA
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<b>Proposal</b>	Planning permission in principle for mixed use development comprising up to 360 residential units, hotel, up to 2,700m <sup>2</sup> of commercial space divided between offices, cafe/restaurant, retail and health/leisure use
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**1. Introduction**

At the meeting on 7th April 2010, the Council was favourably disposed to grant planning permission for a mixed use development comprising up to 360 residential units, hotel, up to 2,700m<sup>2</sup> of commercial space divided between offices, cafe/restaurant, retail and health/leisure use, subject to conditions and to the applicant entering into a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to secure a requirement for off-site road works, access routes and improvements to bus stops (see Appendix 2).

## **2. Current Position**

The Council has been unable to conclude the Section 75 agreement with the applicant in the absence of a committed developer for the site. Market conditions have been such that developer interest, to date, has been limited, and in consequence, there has been no incentive to conclude the legal agreement and obtain a planning permission.

Notwithstanding the above, the Scottish Government require planning authorities to conclude what are termed 'legacy' cases. To this end, a review of the outstanding issues in relation to the proposals for the proposed development have now been undertaken, having regard to current Scottish Government guidance on the use of planning obligations (Circular 3/2012). The review has concluded that the matters previously identified for inclusion within a legal agreement could be appropriately addressed using planning conditions. The applicant has entered a processing agreement which confirms their willingness to conclude the planning application in this way, thus enabling a decision notice to be issued.

In addition, the application site is now allocated for residential development in terms of the adopted Local Development Plan. As such, the proposal is not contrary to the provisions of the development plan and there is no requirement to refer the decision to Scottish Ministers.

The purpose of this report is to seek the approval of the Planning Committee to enable planning application ref. 09/00690/PPPM to be granted subject to conditions rather than subject to a S75 agreement and conditions. For the avoidance of doubt, this report does not seek to reconsider the merits of the proposal, and the description of the application would remain unaltered.

### **3. Full Recommendation**

It is recommended that planning permission for the proposed development at Irvine Harbourside is granted subject to the conditions set out in Appendix 1. All conditions previously agreed by the Planning Committee would be included, in addition to one further condition as an alternative to the S75 obligation, which would enable a decision notice to be issued for the proposed development. The additional condition is listed as No. 14 within Appendix 1.



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

Cunninghame House, Irvine  
25 August 2015

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



## APPENDIX 1

### RECOMMENDATION FOR PLANNING APPLICATION REF NO 09/00690/PPPM

Grant subject to the following conditions:-

1.
  - a) Application for the approval of matters specified in conditions shall be made before the expiration of 5 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval for all outstanding matters specified in conditions may be made within 6 months of the date of such refusal or dismissal.
  - b) The approved development shall be commenced not later than the expiration of 5 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
2. Prior to the commencement of the development, hereby approved, details of the undernoted reserved matters shall be submitted to and approved in writing by North Ayrshire Council, as Planning Authority, unless otherwise agreed in writing, for each approved phase of development, where relevant; the submission shall be in the form of a detailed layout of the site (or relevant phase) and include detailed plans, sections of the buildings and all other structures:
  - (a) Siting, design and height of development, including design of all external features and glazing specifications (including acoustic capabilities);
  - (b) Particular attention should be paid to setting and treatment of listed buildings and interface with the adjacent Conservation Area;
  - (c) A 6 metre wide distributor road to be provided around the site and linked to the existing secondary distributor routes;
  - (d) The road, footway and transport infrastructure to be designed in accordance with the current adopted Roads Development Guide or any subsequent amendments;
  - (e) Parking for the development to be in accordance with the methodology set out in the addendum to the Transport Assessment dated the 26th March 2010, whereby the development will require a minimum of 683 spaces. A minimum of 50% of the residential unallocated spaces to be located as surface parking, spaced evenly throughout the site;
  - (f) Traffic calming in accordance with the requirements set out in the Roads Development Guide or any subsequent amendments;
  - (g) Bus stops shall be provided at intervals of no greater than 400 metres along the proposed bus service route. The bus stops shall be located at trip generators (i.e. shops, cafes) along the route;

- (h) Vehicle and cycle parking, access, road layout and alignment, turning areas, footpaths and sightlines all of which should comply with the requirements of North Ayrshire Council's Adopted Roads Development Guidelines;
- (i) No development shall take place within the area hatched in red on drawing No. (PL)004, forming part of this planning permission in principle, until such time as the wave return wall has been constructed to the satisfaction of North Ayrshire Council as Planning Authority. Full details of the wave return wall shall be submitted for prior approval;
- (j) The findings of the "Irvine Bar Study" shall be implemented at the appropriate phase of development;
- (k) All buildings shall be set back a minimum of 10m from the edge of the quay side;
- (l) A Drainage Assessment shall be prepared in support of any application for matters specified in conditions. The general design of the development should be such that all surface water drains naturally towards the quayside;
- (m) Surface water and drainage arrangements. In this regard the discharge of surface water to the water environment should be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007. It is also advised that the seaward area to the south of the site is identified as bathing water under the Bathing Water Directive (2006/7/EC). It should therefore be ensured that surface water run off from the entire site should be treated in accordance with the above principles;
- (n) Refuse and recycling facilities. Such facilities should be in line with North Ayrshire Council collection plans to address the recycling, composting, recovery and disposal targets contained within the Area Waste Plan and NAC's implementation plan;
- (o) Hard and soft landscaping details, possibly guided by a noise assessment and particularly to screen/protect the proposed residential uses from adjacent business uses and to appropriately provide a buffer between buildings and the adjacent noise generating uses, including: Walls, gates, and any other boundary treatments; the location of new trees, shrubs and hedges; a schedule of plants to comprise species, plant size and proposed number/density; Programme of completion and subsequent maintenance; existing and proposed services such as cables, pipelines, substations; other artefacts and structures such as street furniture, including lighting columns and fittings; details of phasing of these works;
- (p) Existing and finished ground and floor levels in relation to Ordnance Datum. Finished Floor Levels (FFL) shall not be less than 4.41mAOD;
- (q) Details of all trees to be retained/removed and measures for the protection of any remaining during the construction period;
- (r) Full details of biomass plant and associated facilities to be submitted for prior approval; and
- (s) Full details of plant, machinery, venting arrangements, etc



3. A phasing plan, including an overall Design Brief for the development, hereby approved, shall be submitted for prior approval of North Ayrshire Council as Planning Authority.
4. The following use classes, hereby approved, shall not exceed:

Class 1 (Shops) a maximum of 1400m<sup>2</sup> with no single unit in excess of 400m<sup>2</sup>; Class 2 (Financial & Professional Services) a maximum of 1400m<sup>2</sup> with no single unit in excess of 400m<sup>2</sup>; Class 3 (Food and Drink) a maximum of 1400m<sup>2</sup> with no single unit in excess of 600m<sup>2</sup>; Class 4 (Business) a maximum of 1400m<sup>2</sup> with no single unit in excess of 400m<sup>2</sup>; Class 9 (Houses) including Flatted dwellings (Sui Generis) a maximum of 360 units; Class 11 (Assembly and Leisure) a maximum of 1400m<sup>2</sup> with no single unit in excess of 600m<sup>2</sup>; Hot Food Takeaway a maximum of 300m<sup>2</sup>; Public House a maximum of 600m<sup>2</sup> with no single unit in excess of 300m<sup>2</sup>.
5. Prior to the commencement of the development, hereby approved, a substantial Travel Plan, which shall include details of phasing and implementation, shall be submitted to and approved by North Ayrshire Council as planning authority. Thereafter the details of the approved Travel Plan shall be implemented to the satisfaction of North Ayrshire Council as planning authority.
6. That prior to commencement of the development hereby approved, an Access Plan shall be submitted for the written approval of North Ayrshire Council as planning authority. The Access Plan shall seek to address the needs of pedestrians and cyclists, including the provision of secure covered cycle parking facilities, and links to the wider Core Path Network, all taking into account the principles of Secured by Design. The development shall thereafter be completed in accordance with the approved Access Plan.
7. The design of residential properties shall incorporate measures such that the noise levels, associated with traffic and existing and proposed business uses, are attenuated to a satisfactory level. A noise report, prepared by a suitably qualified Acoustic Consultant, demonstrating compliance with these requirements, and impacts on adjacent existing property, shall be submitted, in support of full details of the proposed residential properties, for the prior approval of North Ayrshire Council, as Planning Authority.

8. Site investigation/decontamination arrangements. Prior to the commencement of any phase of development a desk study of the application site shall be undertaken, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitable qualified environmental consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted.
9. That prior to commencement of the development hereby approved, a Play Strategy shall be submitted for the written approval of North Ayrshire Council as planning authority. The Play Strategy shall seek to address provision of play needs of residents of the hereby approved development, taking into account the detail within Support Paper 4 of the adopted Local Plan. The development shall thereafter be completed in accordance with the approved Play Strategy.
10. That prior to the commencement of the development hereby approved, a scheme describing the means by which the provision of public art as part of the development shall be secured shall be submitted for the written approval of North Ayrshire Council as planning authority. Thereafter, the development shall be carried out and completed in accordance with the approved scheme.
11. That no trees or hedges on the site shall be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority. Such works shall seek to avoid the bird breeding season (March – September).
12. A scheme of replacement habitat should be included within landscaping proposals, such that appropriate levels of provision is made for landscaping lost as a result of the development.
13. Prior to the closure and demolition of the existing public toilet facility full details of a replacement facility shall be provided and approved. Such replacement facility shall be provided within an agreed timescale. Should there be any period of time between the closure of the existing facility and the provision of appropriate temporary arrangements shall be agreed. All to the satisfaction of North Ayrshire Council as Planning Authority.

14. That, prior to the commencement of the development hereby approved, details and phasing of off-site road works, access routes and improvements to the bus stops shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved.

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

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order that these matters can be considered in detail.
3. In order to retain control over the development.
4. In order to retain control over the development and in the interests of the proper planning of the area.
5. To meet the requirements of North Ayrshire Council as Roads Authority.
6. In the interest of the amenity of the area.
7. To meet the requirements of Environmental Health.
8. To meet the requirements of Environmental Health.
9. In the interest of the amenity of the area.
10. In the interest of the amenity of the area.
11. In the interest of the amenity of the area.
12. In the interest of the amenity of the area.
13. In order that an appropriate public facility is available.
14. To ensure that any modifications to the local transportation infrastructure necessary to serve the development are implemented at the appropriate time.

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.



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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 2**

North Ayrshire Council (Determination Meeting)

**7 April 2010**

Planning Area

**Irvine/Kilwinning**

Reference

**09/00690/PPPM**

Application

**21st October 2009**

Registered

Decision Due

**21st February 2010**

Ward

**Irvine West**

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<b>Recommendation</b>	<b>Agree, subject to (a) the applicants entering into a Section 75 Agreement in respect of off-site road works, access routes and improvements to the bus stops, and (b) to notify Scottish Ministers, as the Council has an interest in the development and the proposal involves a significant departure from the adopted Development Plan, to grant planning permission subject to the conditions contained in Appendix 1</b>
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<b>Location</b>	Irvine Harbour Harbour Street Irvine, North Ayrshire
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<b>Applicant</b>	Irvine Bay Developments 43 Ardrossan Road Saltcoats KA21 5BS
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<b>Proposal</b>	Planning permission in principle for mixed use development comprising up to 360 residential units, hotel, up to 2,700 square metres of commercial space divided between offices, cafe/restaurant, retail and health/leisure uses
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## **1. Description**

### **1.1 Introduction**

This application seeks planning permission in principle for the development of an area of some 6 hectares for a mixture of uses. The proposed development comprises:

- a) Up to 360 residential units;
- b) A hotel;
- c) Offices;
- d) Cafes/restaurants;
- e) Retail/shops; and
- f) Health/leisure uses.

As the application seeks planning permission in principle (outline), a significant amount of supporting information has been submitted which gives an indication of how the site could be developed. These indicative details provide indications of massing, road and footpath networks, open spaces/squares and parking arrangements. Artist impressions have also been submitted in support of the application, giving an indication of how the development could appear once complete.

The indicative site and massing plans detail a form of development which, in general terms, comprises a central street, flanked by a circulating route along the routes of Beach Drive and Harbour Street. Within this framework, which is further broken up with a series of cross route and "squares", development of buildings between 2 and 6 storeys is proposed. The 5 and 6 storey elements concentrated in the far western edge of the site and includes the hotel use. The remainder of the site is shown to comprise a mixed mass development.

The application site comprises a strip of ground, around 50-110m in width, running alongside Irvine Harbour, from roughly opposite the confluence of the Rivers Irvine and Garnock towards the mouth of the River Irvine. The eastern part of the site extends from the front of the existing WASPS studios to the north to the existing coach lay-by to the front of the Magnum Centre to the south. The western end of the site extends to include the existing public toilets, located beyond the pilot house on the approach to the beach.

The application site currently contains three buildings, two of which are listed (the Harbour Masters Office and the Pilot House) the other building being the public toilet facility. The indicative layout shows other buildings located where the public toilets are situated, and any replacement would require clarification, and the two listed buildings would be incorporated into the development.

Otherwise the site is characterised by:

- a) In the eastern part, areas of uneven grass, informal parking and public roads. Also within this eastern part of the application site, but outwith the site boundaries, is the "Keys" public house and an adjacent block of modern flats;
- b) The western part of the site is principally laid out to leisure parking, which serves Irvine beach, the Big Idea and the Beach Park. These areas of parking are broken up by small areas of grass. There is a dividing area of grass between the car parking and a public footpath alongside the harbour wall. There is also a roundabout at the far west end of the site adjacent to the pilot house. This roundabout provides access to a public car park immediately to the west and to a building (the former aquarium/nightclub) within Beach Park to the south.

To the north of the application site is the body of water known as Irvine Harbour, comprising the River Irvine and its confluence with the River Garnock. To the east are commercial properties comprising the "WASPS" studios, the "Ship Inn" Public House and the "Harbour Arts Centre". Beyond these properties is principally residential use. To the south east is the "Magnum" Centre, whilst the majority of the southern side is bounded by Beach Park. Immediately to the south, along the central part of the site, is a raised area of ground laid to grass known as the "Bluebilly Bing". To the west of the site is the mouth of the River Irvine, sand-dunes and Irvine beach.

The application site covers a large area and has two distinct Local Plan allocations, and related site specific policies. In basic terms the two areas must be assessed against the Local Plan allocations in the following manner:

- a) The eastern part of the site is allocated for residential purposes. General Policy RES1 relates. Site specific policy TOU3 also applies.
- b) The western part of the site is allocated for leisure and open space purposes. General Policy OS1 relates. Site specific policy TOU3 also applies.

Including the above, it is considered that the following is a comprehensive list of local plan policies relevant to the determination of the application:

TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), TRA9 (Car Parking), TRA10 (Taxis), TOU1 (Accommodation), TOU3 (Tourist Facilities within Settlements), INF6 (Flooding), INF7 (Renewable Energy), RES1 (Housing Allocation), RES2 (Additional Housing Sites 2003 – 2010), RES10 (Business Development in Residential Areas), TC6 (Local Shops), OS1 (Protection of Open Space), OS1A (New and Upgraded Recreation Facilities), OS2 (Open Space and Play Provision in New Housing Developments), OS3 (Open Space Provision), ENV6 (Nature Conservation), ENV8 (1) (Coastal Zone), ENV16 (Contaminated Land), BE2 (Development Adjacent to Conservation Areas), BE5 (Listed Buildings), BE6 (Listed Building Restoration), BE13 (Art in the Community) and A1 (Non Conforming Uses Not Otherwise Provided For By Any Policy in the Local Plan).

The detail of the proposals will also require to be assessed, against the relevant criteria listed within the headings of the Development Control Statement, should planning permission in principle be granted, via applications for "matters specified in conditions".

There is no relevant planning history to the application site.

## **1.2 Supporting Information**

The applicants have submitted the following documents in support of their application:

### **Application (Public) Consultation Report**

Various consultations, presentations and meetings took place between August 2008 and August 2009. This was with a view to having meaningful and proportionate engagement with those who can represent the affected community views. Given that the application is in Principle only, detailed comments were limited to discussion only.

### **Planning Statement**

This statement seeks to demonstrate that the application is consistent with the policy and guidance documentation framework and issues which are currently being assessed as part of the emerging Development Plan process. It is stated that the proposals are a key component of the Irvine Bay Masterplan, which has been developed by the Irvine Bay Urban Regeneration Company.



The proposed development will be a key driver in the delivery of the Irvine Bay Masterplan, avoid undue delay in the implementation of the IBURC's business plan and strategy, and support the economic, social and physical regeneration of Irvine Bay. It concludes that there are good planning reasons to support the application, as a departure from the current development plan framework, and that a precedent would not be set for future sites which may come forward as departures.

### **Transport Assessment**

This Report assesses the transport issues associated with the proposed development. Numerous discussions have been held with Infrastructure and Design Services (Roads) over the past months, such that revisions have been made to the Transport Statement. See Roads consultation response below.

### **Design Statement**

The statement explains the rationale and evolution of the design, giving indicative details of how this could be carried forward. Overall it is indicated that it has been sought to find an appropriate scale and grain reflective of a harbourside town on the west coast of Scotland. Research of existing settlements has been undertaken and the lessons learned applied to the proposals.

### **Access Statement**

This Statement indicates that an inclusive approach to access and design has been undertaken, with design principles incorporating a mix of access opportunities, particularly for those with impaired abilities.

### **Flood Risk Assessment**

The assessment recommends that: proposed floor levels are no less than 4.41m AOD; a positive drainage system is incorporated into the seaward edge of the development, in the two areas that are subject to wave overtopping, such that the extent of flooding (associated to wave overtopping) is limited and to allow water to freely drain back into the estuary; that the proposed development minimises the impact of the quality of surface water runoff through the adoption of SUDs, prior to direct discharge to the estuary; and, that treated surface water run-off should meet the requirements under SEPA's discharge consent in relation to coastal/transitional waters.

## **Schedule of Accommodation**

This document gives a listing of the proposed uses and indicative associated levels of provision of each of these uses.

## **URBED Masterplan**

Whilst not a statutory document, this is the overall masterplan for Irvine Bay, providing a context and setting the goals for the URC. Irvine Harbourside is identified as a residential/leisure development opportunity.

## **Utilities and Infrastructure Report**

This report indicates that consultation has been undertaken with Scottish Water and Gas and Electricity providers. It is concluded that sufficient capacity to serve the proposals is available.

## **Phase 1 Habitat Survey**

The Survey concludes that the site is of low/moderate ecological value, in a regional context, in the main resulting from the areas of shrub which offer breeding bird habitat and potential for buildings to support bat roosts. The majority of the site is low ecological value grassland and tarmac. Wider ecological impacts are also considered to be low risk. The felling of trees, shrubs and hedgerows should avoid bird breeding season (typically March-August). Where necessity arises, a suitably qualified ecologist should implement a watching brief. Sufficient replacement of bird breeding habitat should be made available for the following season. Bat surveys are recommended. The SSSI status of the mudflats, located to the north of the harbour would not be impacted upon by the development.

## **Bat Survey**

Survey of the Harbour Masters Office, associated storage shed and the old Signal Tower were undertaken to ascertain the presence or absence of bats. No bats were found to be roosting in the inspected buildings or seen to exit or enter any surveyed buildings during the survey period. Within the limits of known bat activity it is considered that all three structures are not currently used by bats and that the existing habitat linkages are sub-optimal for bats.

## **2. Consultations and Representations**

The application was submitted following the coming into force of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. As such, neighbour notification was undertaken by North Ayrshire Council on the 21st October 2009.

The application was also advertised in the local press on the 23rd October 2009 as both "contrary to the development plan" and for neighbour notification purposes. These advertisements expired on the 13th November 2009. Three letters of objection, including one letter from NPL and in their role as the Irvine Harbour Authority and one representation have been received. The grounds of objection can be summarised as follows:

#### Grounds of Objection

- 1) The loss of parking associated to the "Big Idea" building and limitations on dredging of the River Irvine due to potential increase risk of flood would restrict the ability to generate marina-based tourism and employment opportunities. This is particularly in relation to the Ardeer Peninsula and conflicts with the URC stated aims.

*Response: The association of the car park to the "Big Idea" is by virtue of proximity, and not by right. The Council in the land transfer has made provision for alternative parking. For further information see comments related to the consultation with Infrastructure and Design Services (Flood) below. As regards the loss of car parking, detailed discussions have been held with Infrastructure and Design Services (Roads) and standards of parking have been agreed, see consultation discussion below. Assessment of the risk of "wave overtopping" has been undertaken, both in relation to current and potential future risk and mitigation measures recommended.*

- 2) The incorporation of a biomass plant and wind turbines is considered inappropriate at this prominent site.

*Response: Their Biomass proposals are proposed to be small scale and would be designed such that the impacts on amenity were suitably controlled. There are numerous examples of biomass being incorporated into developments successfully. Suitable conditions could be attached to any planning permission requiring that full details of the biomass proposals were provided for assessment. Environmental Health raise no objections on the basis of the biomass proposals.*

*The applicants have now advised that they no longer wish wind turbines.*

- 3) The proposed "block style" would detract from the traditional buildings on Harbour Street.

*Response: As the application seeks planning permission in principle, the design of the proposed buildings is not yet fixed and as such has not been assessed. Indicative "artist impressions" do not necessarily represent the end product. It is considered that, with small exceptions close to the eastern part of the site and surrounding the listed buildings, that the indicative massing plans are generally acceptable.*

- 4) The development of the site would leave no facility for a new bridge to be constructed, linking the Ardeer Peninsula, frustrating the regeneration thereof.

*Response: While the North Ayrshire Local Plan (excluding Arran) identifies an area of land at Ardeer for 'Regeneration' under Policy IND5, any proposals require to demonstrate, within the context of an approved Master Plan that they would provide net economic and environmental benefit for the area. Such a Master Plan has not come forward or been approved by the Council. The landowners may submit a Master Plan to the ongoing Local Development Plan (LDP) Main Issues Report (MIR) consultation period. However, the scale, form and deliverability of any proposals have not been confirmed at this stage. In relation to the potential for a bridge to the Ardeer Peninsula, no planning permission has been approved, and no information is available to demonstrate its deliverability.*

- 5) Ownership of the Ardeer Peninsula has not been recognised in the plans or neighbour notification.

*Response: The Ardeer Peninsula is sufficiently detached from the site that formal neighbour notification was not required. It should also be noted that the application was advertised in the local press, for neighbour notification purposes.*

- 6) The development of the site should only be considered in a wider context, inclusive of the Ardeer Masterplan and the Magnum Centre, rather than as a short term inappropriate housing development.

*Response: This application does not require to be considered in a wider context. No Masterplan for the Ardeer Peninsula has been approved by the Council, as noted above. In terms of the Magnum Centre, the Council is currently investigating options for a replacement facility, including options for the most suitable site. This issue is raised within the LDP Main Issues Report, currently out for consultation.*

*Proposals for this site can be considered independently from these two issues.*

- 7) The proposed development of a four-storey building between 138 Harbour Street and the WASP studios is inappropriate.

*Response: Noted. The analysis below notes that detailed proposals will require to consider the impact of new development on existing listed buildings, and the adjacent Irvine Harbourside Conservation area to the east. This will include the scale/massing of development as well as design of the buildings in this area.*

## **Consultations**

**Architecture and Design Scotland** - A+DS are generally supportive, which they feel provides an appropriate response to the site and could potentially create an exemplar to other developments in the area and outside of Irvine. In this context, they are supportive of the Council promoting the proposals as a departure from the current Local Plan on design grounds.

*Response: Noted.*

**NAC Cleansing** - No comments.

*Response: Noted. Notwithstanding a suitable condition can be attached to any planning permission requiring that full details of the siting of refuse and recycling facilities shall be submitted for prior approval.*

**SEPA** - In relation to flood risk, SEPA advise that they, subject to two conditions, have no objections on flood risk grounds. The conditions are as follows:

- that as recommended in the Flood Risk Assessment (FRA) carried out by Royal Haskoning and dated 29 January 2009, development is set back 10m from the quay side and in order to manage any residual flood risk from wave over topping, provision is made from a positive drainage system at the seaward edge of the development; and
- that at full planning stage, minimum Finished Floor Levels (FFL) of 4.41mOD are adopted and verified in an appropriate planning drawing, as per the recommendation in the submitted FRA.

It is advised that confirmation of public sewer connection availability is sought from Scottish Water.

A condition regarding SUDs is recommended. It is also advised that the seaward area to the south of the site is identified as "bathing water" under the Bathing Water Directive (2006/7/EC). It should therefore be ensured that surface water run off from the entire site should be treated via SUDs.

In relation to domestic waste SEPA advise that appropriate standards are met.

In relation to contaminated land, SEPA advised that North Ayrshire Council should satisfy themselves that any potential land contamination does not pose an unacceptable risk to the proposed site use and the surrounding environment.

SEPA also advise that during construction works they would expect that all necessary mitigation measures shall be taken to ensure that the pollutants typically associated with construction (silts, concretes, etc) do not enter the water courses adjacent to the site.

Other advice in relation to regulatory requirements is also given.

*Response: Noted. Suitable conditions can be attached to any planning permission relating to the conditions recommended by SEPA associated with flood risk (development set back 10m from key side, a positive drainage system at the seaward side is provided and that minimum Finished Floor Levels (FFL) of 4.41mOD are adopted).*

*A suitable condition can be attached requiring SUDs details, full details of the siting of refuse and recycling facilities. An informative can be attached to any planning permission requiring that the applicants contact Scottish Water in relation to connections to the public sewer, that contact be made with NAC Cleansing Services re waste issues, SEPA re pollution control during construction and other regulatory requirements.*

**Historic Scotland** - No comments.

*Response: Noted. Notwithstanding this response, in view that this is an application in principle, a condition can be attached to any planning permission requiring that particular regard should be had to the setting and treatment of the listed buildings.*

**NAC Educational Services** - It is advised that estimates of the rate of house building have been undertaken and that catchment area schools should be able to accommodate the anticipated children from this development.

*Response: Noted.*

**NAC Grounds Maintenance** - no comments.

*Response: Noted. The need for play provision is addressed below.*

**NAC Infrastructure and Design Services (Roads)** - Following receipt of this revised transport assessment on the 23rd December 2009, and following various meeting between the developer and Roads, there are no objections subject to conditions.

Much discussion has been given to the issue of parking standards and given that the application is for planning permission in principle only Roads advise that

The following comments should be noted:

- The Transport Assessment shows a.m. peak hour flows of 116 vehicles entering Victoria Roundabout from Cochrane Street/Harbour Street. This shows a relatively substantial amount of vehicular traffic using Harbour Street/Cochrane Street as a means of access to and from the development. However this route is a reduced width route with regular on street parking, not suitable as a distributor route. The secondary distributor routes in this area – contained within the Local Transport Strategy – are Harbour Road, Portland Road and Marine Drive. The development traffic should be directed to these routes as a primary means of access. Alternative unsuitable routes (Harbour Road and Gottries Road), that may experience a relative high increase in vehicular traffic, must be traffic calmed or measures proposed to reduce proposed development traffic.
- Parking for the development to be in accordance with the methodology set out in the addendum to the Transport Assessment dated the 26th March 2010, whereby the development will require a minimum of 683 spaces.
- An enhanced bus service, or a subsidised bus service, for the first 5 years of the development commencing when the development reaches 50% occupancy, must be provided as a result of the proposed development.
- In addition to the point above, the applicant must provide bus stops at intervals of no greater than 400 metres along the proposed bus service route. The bus stops must be located at trip generators (i.e. shops, cafes) along the route, which may require the re-location of some existing stops to obtain sufficient spacing.
- The existing bus stops to be upgraded to Quality Bus Corridor standards, including Commutaport Shelters, raised boards etc. This will improve the facilities for public transport users in line with the Council's Local Transport Strategy and the Governments overall policies on encouraging public transport use.

- The current standards for road design and layout are contained within the current Roads Development Guide. The development requires to be designed in accordance with these guidelines. However the Scottish Government is proposing to introduce a “Designing Streets” document to encourage place design which may result in a change to the Roads Development Guide. The current Roads Development Guide is an adopted North Ayrshire Council policy document and, until a revised document is written and agreed by the Council, the existing guidance will apply.
- A 6 metre wide distributor road to be provided around the site and linked to the existing secondary distributor routes. Given the above comments it is recommend that the following conditions be applied to this application to ensure that there is no net detriment to the existing and proposed road network, in terms of safety and operation.

*Response: Noted. Conditions are recommended (see Appendix 1) and other requirements can be secured through S75 and under Section 21 (S21) of the Roads (Scotland) Act 1984 and through Section 56 (S56) Agreement under the Roads (Scotland) Act 1984 – which the developer will require to sign up to with North Ayrshire Council as Local Roads Authority - to the satisfaction of North Ayrshire Council as Planning Authority and local Roads Authority.*

**NAC Environmental Health** - the following advice was provided:

- Appropriate contamination mitigation should be undertaken;
- Increased road traffic, generated as a result of this development, shall not detrimentally effect local air quality.
- With regard to existing dwellings, close to the development, a Noise Survey Report should be prepared. All noise measurements and/or assessments must be carried out by a suitably qualified acoustic consultant or other competent person.
- Other comments are made in relation to general construction practices.

*Response: A suitable condition can be attached to any planning permission to address contamination issues. As regards the comments on local air quality, an informative to advise the applicant to address these issues through appropriate operational measures could be attached to any planning permission. Contact with Environmental Health shall be made in this regard. A Noise Survey Report, to assess noise associated with likely increased traffic levels impacts on existing residential property can also be required by condition. An informative can be attached indicating that contact with Environmental Health shall be made in this regard. An addition to any Environmental Health informative can require that contact be made in relation to general construction practices.*



**Scottish Water** - No comments. However, correspondence between the applicants and their consultants has been submitted in support of the application indicating that there is sufficient capacity in the water treatment works and also the local network to service the demands of the development. Additionally there is sufficient capacity within the waste water treatment works and the local network to service the demands from the development.

*Response: Noted.*

**Infrastructure and Design Services (Flood)** - It is advised that there are no objections to the proposals provided that the finished development adheres to the recommendations contained within the Flood Risk Assessment carried out by Royal Haskoning. The following conditions should be attached to any planning permission:

1. Development should be set back 10m from the quay side and in order to manage any residual flood risk from wave over topping, provision is made for a positive drainage system at the sea ward edge of the development;
2. Finished floor levels should be set at a minimum of 4.41m AOD. Given existing levels on the site, it is not considered that this will cause many access problems. (Note - existing ground levels are between 4m and 4.5m across the site); and
3. A drainage assessment will be required. The drainage assessment should be prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" which can be found on the SEPA website. The discharge of storm water from the development should comply with the stipulated design criteria, current SUDS Design Guidance (CIRIA Report C521) and any requirements of Scottish Water.

In addition it is required that the DA address the following:

- a) the effects of a 1 in 200 year storm and run off, plus climate change;
- b) the effects of differing storm intensities over and above the 10 year return;
- c) the extents of differing flood conditions should be shown on a site plan to ensure that no water enters buildings or restricts movements of emergency vehicles including an assessment of flow routing of surface water through the site;
- d) a strategy for dealing with any drainage affected by the works;
- e) a maintenance regime for surface water drainage measures; and
- f) all calculations must be approved and certified by an appropriately qualified person.

In general, the design of the development should be such that all surface water drains naturally towards the quay side.

Further comments have been made in relation to the supplementary submitted report titled "Irvine Bar Study" by Royal Haskoning. It is confirmed that the recommendations contained therein are acceptable with regard to dealing with the potential flood risk to the proposed development should there be any dredging of the River Irvine. It is however advised that should some proposals for dredging be submitted by the Harbour Authority (currently NPL Estates), then flood risk to other properties within the estuary would require to be assessed with any such proposals.

*Response: Noted. Suitable conditions can be attached to any planning permission requiring that: development be set back 10m from the quay side and that provision is made for a positive drainage system at the sea ward edge of the development; that finished floor levels be set at a minimum 4.41m AOD, which would not be a significant difference from the existing ground levels; and that a Drainage Assessment be prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" with the discharge of storm water from the development undertaken in compliance with current SUDS Design Guidance (CIRIA Report C521) and any requirements of Scottish Water. Additionally a condition can be attached to any planning permission requiring that the recommendations contained within the "Irvine Bar Study" are implemented at the appropriate phase of development. An informative can be attached to any planning permission advising that contact should be made with the Supervisory Engineer, Flooding and Structural Design, Infrastructure and Design Services in relation to these issues.*

### **3. Analysis**

Section 37(2) of the Town and Country Planning (Scotland) Act 1997 states that, in dealing with an application for planning permission, the Planning Authority shall have regard to the provisions of the Development Plan, and to any other material considerations. Section 25 of the Act states that 'where, in making any determination under the Planning Acts regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise'.

#### **Development Plan**

In this case, the proposal requires to be assessed against the Development Plan, comprised of the approved Ayrshire Joint Structure Plan 2007 and the adopted North Ayrshire (excluding Isle of Arran) Local Plan 2005.

## **Ayrshire Joint Structure Plan 2007**

Ayrshire Joint Structure Plan policy COMM2 'Housing Investment' sets out the means of implementing housing land requirements to be taken forward through Local Plans, including the requirement to maintain a minimum five year effective housing land supply. The North Ayrshire Local Plan (excluding Isle of Arran) allocates sites to meet the requirements of the Structure Plan through policies RES1 'Housing Allocation' and RES2 'Additional Housing Sites (2003 to 2010)'. Compliance with these policies and hence Structure Plan Policy COMM2 is assessed below under the North Ayrshire Local Plan heading.

The development can generally be said to be supportive of the five key objectives of the Structure Plan, being:

- to stabilise the population in 2025 at current levels;
- to support measures that encourage economic development underpinned by a sustainable population;
- to seek improved accessibility both within, and to opportunities outside, Ayrshire;
- to develop strong and vibrant communities by realising their potential for regeneration and growth and through the promotion of appropriate development of rural areas; and
- to safeguard and enhance the quality of the environment.

## **North Ayrshire Local Plan (excluding Isle of Arran) 2005**

It is considered that the following is a comprehensive list of Local Plan policies, relevant in the determination of the application:

TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), TRA9 (Car Parking), TRA10 (Taxis), TOU1 (Accommodation), TOU3 (Tourist Facilities within Settlements), INF6 (Flooding), INF7 (Renewable Energy), RES1 (Housing Allocation), RES2 (Additional Housing Sites 2003 – 2010), RES10 (Business Development in Residential Areas), TC6 (Local Shops), OS1 (Protection of Open Space), OS1A (New and Upgraded Recreation Facilities), OS2 (Open Space and Play Provision in New Housing Developments), OS3 (Open Space Provision), ENV6 (Nature Conservation), ENV8 (1) (Coastal Zone), ENV16 (Contaminated Land), ENV17 (Urban Fringe and Countryside Development), BE2 (Development Adjacent to Conservation Areas), BE5 (Listed Buildings), BE6 (Listed Building Restoration), BE13 (Art in the Community) and A1 (Non Conforming Uses Not Otherwise Provided For By Any Policy in the Local Plan).

All proposals also require to be assessed against the relevant criteria listed within the headings of the Development Control Statement.

### Transport

Policy TRA1B 'Strathclyde Passenger Transport' requires that significant development proposals take account of public transport provision and states that the Council may seek developer contributions to secure new provision.

As discussed in the consultation response from Roads (see above) there are recommendations in relation to public transport, which can be addressed. Subject to these matters, it is considered that the proposals comply with Policy TRA1B.

Policy TRA2 'Walking and Cycling' requires that significant development proposals take account of the needs of walkers and cyclists by ensuring that:

- a) Clearly signposted and well lit footpaths and cycle routes are provided to service business and industrial areas, town centres and retail areas, railway stations and major tourism and leisure facilities; and
- b) Residential areas have direct footpath links to local transport halts, local facilities, shops, schools.

The Masterplan appears to meet the main requirements of Policy TRA 2. The proposals include a promenade along the Quayside, which would provide a link to local transport halts, facilities and shops and provide for outdoor recreational or leisure use as required by section (b) of the Policy.

This route is currently an adopted Core Path (IK8) and provides for all abilities and multi user access. The proposals appear to incorporate the retention of this route, although it is unclear as to its exact nature or specification.

The route would require to be clearly signposted and lit, as detailed in section (a) of the Policy. It is unclear whether provision will be made for cycle parking as required by section (c) of the Policy, therefore further detail would be required in relation to the proposed location and type of cycle parking to be provided.

This matter can be the subject of an appropriate condition, requiring that an "Access Plan" be prepared to ensure that appropriate facilities for pedestrians and cyclists are integrated into the detailed design for the development. An informative can be attached to any planning permission requiring that contact should be made with the Council's Access Officer, in order to scope the "Access Plan".

Policy TRA9 (Car Parking) seeks to ensure that the parking requirements of different locations are met, including provision for short-term visitors and shoppers. In this regard, subject to parking provision being made in line with the relevant adopted standards, Roads Services have no objections to the proposals. As such the proposals, subject to conditions, can comply with TRA9.

Policy TRA10 'Taxis' requires suitable locations for taxi ranks to be identified within major development proposals.

As discussed above it can be made a requirement of any planning permission that a "Travel Plan" be prepared and its findings implemented, such that the needs of taxis are accounted for in the detailed design of roads, parking, drop-off/pick-up, waiting, etc.

### Tourism

Policy TOU1 'Accommodation' states that proposals to create hotels shall accord with the Local Plan subject to the following:

- a) the development is within a settlement boundary; or
- b) the development is in an existing building suitable for conversion; or
- c) the development is ancillary to a proposal which accords with Policy TOU4.

The proposal must be compatible with the underlying land use and appropriate in design and scale to surrounding uses. It is considered that only criterion a) is relevant.

The proposed hotel indicatively sited at the far western end of the application site is within the Irvine settlement boundary and meets criteria a), and is compatible with the underlying TOU3 allocation.

Policy TOU3 'Tourist Facilities Within settlements' states that proposals for the development of tourist facilities at Irvine Harbourside shall accord with the Local Plan. The Plan also states at para 6.10 that, for Irvine Harbourside, 'opportunities for development and the development of tourism facilities would be welcomed'.

While the majority of the application site lying within this TOU3 allocation is proposed for residential use, it is considered that the proposals overall would bring visitors to the area through the development of the proposed hotel as well as the nature of the commercial uses proposed elsewhere within the site. The development of these additional uses within the TOU3 allocation would therefore support the intentions of this Policy.

## Infrastructure

Policy INF 6 (Flooding) criteria b) requires that applicants for developments, within areas that are identified in the Council's flood risk consultation maps, may be required to submit a flood risk assessment which demonstrates that any risk of flooding can be satisfactorily mitigated without affecting flooding risk elsewhere.

The applicants have submitted a report which reviews the effect of wave overtopping, in the event that the entrance channel to the adjacent harbour is dredged to improve access, related to potential increased use of the "Marina", as raised in representation by the Harbour Authority. This concludes that dredging would result in the requirement to raise a section of the existing Wave Return Wall to 4.40m to limit overtopping.

The Council's Supervisory Engineer (Flooding and Structural Design) has reviewed the flood related information submitted by the applicant and offer no objections subject to various conditions being attached to any planning permission. As such it is considered that the proposals can comply with Policy INF6.

Policy INF7 (Renewable Energy) is relevant in relation to the "biomass" proposals. In this regard, given that the application seeks planning permission in principle only, details of the proposed biomass element is indicative only. However it is generally accepted that subject to the design and scale of biomass proposals being appropriate to the surrounding uses and the wider environment and landscape, that such proposals could comply with the requirements of Policy INF6.

It should be noted that it is anticipated that "biomass" proposals are likely to be fairly limited in scale and associated to the micro generation of power associated to the proposed development. It is also anticipated that there would be a number of limited scale facilities, rather than a single unit serving the development. A suitable condition can be attached to any planning permission requiring that full details of any biomass plant and associated facilities be submitted for prior approval.

## Housing

The North Ayrshire Local Plan (excluding Isle of Arran) allocates sites to meet the requirements of the Structure Plan through policies RES1 'Housing Allocation' and RES2 'Additional Housing Sites (2003 to 2010)'. RES 1 refers to allocations made by the proposals map, these being the effective and established land supply and established residential areas at the time of the Plan's preparation. The development of land for residential use outwith these allocations is generally not supported by the Plan.

The eastern section of the application site (30% of total area) lies within an area allocated for residential purposes by the Local Plan. While this does not form part of the effective or established land supply, this area could be supported as a "windfall" housing site, subject to meeting relevant development control criteria. A significant part of the site could therefore come forward, in line with the Development Plan, as a first phase of development.

However, the application proposes some 360 housing units, the majority of which would lie outwith a residential allocation (70% of site) and within an area allocated for Leisure and Open Space (Policy OS1), and for Tourist Facilities (Policy TOU3).

Scottish Planning Policy (SPP) and the Ayrshire Structure Plan provide the context for additions to the housing land supply, where an effective 5 year land supply is not provided.

Up to date monitoring of the land supply is carried out through the annual Housing Land Audit (HLA). This shows that there is sufficient land allocated and available. Current market conditions are constraining completions but notwithstanding this position at March 2009, the effective land supply was considered adequate.

There is therefore no requirement to supplement the housing land supply in numerical terms, i.e. the need to provide an effective 5 year land supply. While part of the site may be considered a windfall opportunity (i.e. the area within the residential allocation), the majority does not benefit from a residential allocation and would be contrary to policy.

Work is currently underway with regard to providing for emerging housing requirements, as identified in the first stage of the Local Development Plan (LDP), the Main Issues Report.

The proposals for residential use, outwith the residential land use allocation, are contrary to Local Plan policies RES1 and RES2. The application proposes a significant scale of residential proposal which is not allocated for this purpose within the Local Plan. There is no requirement in numerical terms to supplement the effective housing land supply with an additional allocation.

Policy RES 10 "Development in Residential Areas" states that development falling within use Class 4 (Business) shall not accord with the Local Plan unless it can demonstrate the following:

- a) that the locality is already characterised by a mix of residential and business uses; and,
- b) that the development is in a location and of a scale and character which is not detrimental to residential amenity.

The application proposes up to 1,400 sq m and a maximum unit size of 400 sq m of Class 4 Business uses. While a strict interpretation of Policy RES10 may apply only to that part of the site allocated for residential use (30%), as a comprehensive mixed use proposal containing Class 4 uses, the entire site is tested against Policy RES10.

While under criterion a) the area cannot be said to be characterised by a mix of residential and business uses, this is the intention of the development proposals, providing for both live and work opportunities, with activity provided throughout both the day and night. The existing Irvine Harbourside area contains a variety of uses, and the proposals would build upon this existing character.

Under criterion b), the scale of Class 4 use is limited to less than 1,400 sq m in total, and is likely to be less, given the overall level of commercial uses sought (maximum 2,700 sq m) containing a wide range of additional uses (see analysis below under retail/non and commercial uses). The inter-relation of these uses has been considered from an early stage given the mixed use nature of the proposals as a whole.

A maximum unit size is proposed which would further limit the potential for a concentration of business uses and impact on residential amenity. Issues of amenity can also be controlled at the detailed design stage, and appropriate conditions applied regarding the nature of the use, its hours of operation, etc. The proposals can be considered to generally accord with Policy RES10.

#### Town Centres and Retailing

The proposal includes 2,700 sq m of commercial space, divided between offices, cafe/restaurant, retail and health/leisure uses as follows:

- Class 1 Retail - to 1,400 sq m, maximum unit size of 400 sq m
- Class 2 Financial, Professional and Other Services – up to 1,400 sq m, maximum unit size of 400 sq m;
- Class 3 Food and Drink - up to 1,400 sq m, maximum unit size of 400 sq m;
- Hot Food Takeaways – maximum of 300 sq m;
- Public Houses – maximum of 600 sq m, maximum unit size of 300 sq m;



- Class 4 Business - up to 1,400 sq m, maximum unit size of 400 sq m;
- Class 11 Assembly and Leisure - up to 1,400 sq m, maximum unit size of 600 sq m;
- Residential Institution Use (undefined).

The application site is considered to be in an out-of-centre location, being some 700m from the defined town centre boundary, however the level of retail provision sought is limited to 1,400 sq m with a maximum unit size of 400 sqm. This is below the threshold (1,500sqm) which would require assessment against policy TC5 'Edge of Centre/Out of Centre Development'. The proposals would not conflict with the intentions of Policy TC5 given that the uses are proposed to secure regeneration through a comprehensive mixed use development, and that the target market would not compete with the town centre, serving either the development itself or visitors/tourists to the area.

The Retail, Food and Drink and Hot Food Takeaway elements of the proposals are therefore assessed against Policy TC6 Local Shops.

Policy TC6 'Local Shops' states that proposals for the development of local shops outwith town centres, including shops attached to petrol filling stations, hot food shops, cafes and betting offices shall not accord with the Plan unless they can satisfy the following criteria:

- a) the development meets a recognised local need, and
- b) it is located where it can be conveniently accessed on foot from the adjacent development, and
- c) it will have no detrimental effect on the infrastructure by attracting additional traffic from outwith the local area.

The proposals can be supported when assessed against Policy TC6 'Local Shops' given that the proposed retail, food and drink and hot food takeaway uses will meet a recognised local need (by serving the wider area as part of a mixed use development). While the retail element may attract visitors and traffic from outwith the local area, this is the overall intention of the underlying TOU3 allocation, additionally the retail uses proposed are unlikely to directly impact upon Irvine town centre, given the target market of visitor or destination shops, while local infrastructure would be able to accommodate additional visitor trips, as confirmed by the Council's Roads Service. Placing a restriction on the size of retail unit within the development to 400 sq m would prevent large scale convenience or comparison retailing, which could potentially compete with the town centre, while a restriction on Food and Drink (up to 1,400 sq m, maximum unit size of 400 sq m) and Hot Food Takeaway uses (maximum of 300 sq m) would similarly avoid competition with the town centre and constrain issues of amenity to a reasonable level. Subject to the stated limits, the proposals comply with the requirements of Policy TC6.

### Other 'Non Conforming' Commercial Uses

The remaining commercial uses proposed (Financial, Professional and Other Services, Public Houses, and Class 11 Assembly and Leisure) are generally directed to town centres, accordingly in this context the development requires to be addressed by Policy A1 within the Local Plan.

Policy A1 'Non conforming uses not otherwise provided for by any policy in the Local Plan' states that non conforming uses shall not accord with the Local Plan. Exceptions will have to demonstrate that:

- a) there is a proven need for the development and a resultant economic, environmental or community benefit arising from the development;

The need for the non-conforming uses identified emerges from the desire of the Irvine Bay URC to provide a mixed use development, and the need is created by the development and wider attracted visitors (as per the TOU3 allocation). The existing Irvine Harbourside area contains a variety of small public houses/restaurants and the Harbour Arts Centre. The proposals would build upon this offer, while limiting the number and scale of units to an appropriate level. The proposals have the potential to bring visitors to the area and provide economic and community benefit through the regeneration of the area.

- b) no suitable alternative site exists within appropriately allocated land; and,

As the proposals relate to the wider mixed use proposal, no site exists on appropriately allocated land.

- c) the nature of the proposal is compatible with and sympathetic to the character of the surrounding area.

The application is made for planning permission in principle only. While some of the uses and massings proposed raise potential issues with regard to amenity in terms of their proximity to residential and other land uses, it is considered that these matters can be fully assessed at the detailed design stage. The development proposals aim to create activity throughout the day, and will benefit from the mixed nature of uses. This mixed use nature is common to the existing character of Irvine Harbourside.

Given the wide range of uses proposed, within a total floor area of 2,700 sq m of commercial uses, along with the restriction of individual unit size, it is considered that the individual uses proposed will be of an appropriate scale and would be befitting of a mixed use development proposal. Given their limited scale, none of the uses is likely to raise unacceptable concerns related to impacts on Irvine town centre and the range of retail uses located there.

It should be noted that the scale of leisure uses proposed is limited to 1,400 sq m, with a maximum unit size of 400 sq m. This limited scale would not raise issues of competition with the existing and much larger scale Magnum centre, which is in close proximity to the proposals. It should also be noted that the future of the Magnum is currently being reviewed.

It is considered that there is sufficient conformity to Policy A1 to allow the range of commercial uses proposed, subject to appropriate conditions limiting the total floor area permitted, and unit sizes as proposed above. Overall that element of the proposals is considered to comply with Policy A1.

### Leisure and Open Space

The introductory text to the Local Plan chapter on Leisure and Open Space states that the Plan 'will protect areas such as Irvine Beach Park from development for other purposes'. While 3.8 ha (70%) of the application site is underlain with a Leisure and Open Space allocation, it should be noted that:

- 30% of the application site lies within a residential allocation;
- the remaining 70% of the application site is allocated for Leisure and Open space, but also lies within an area allocated as TOU3 'Tourist Facilities within Settlements', and
- the current use of this "leisure and open space" allocation currently comprises principally large areas of car parking and roads. Although this parking, and roads, serve the wider recreational uses, the site itself has limited recreational value.

The application site can therefore be viewed differently from the wider leisure and open space allocation, and the intended protection of the Irvine Beach Park. It is considered that the site is "brownfield" land where some form of development may be envisaged, as per the underlying TOU3 allocation. The proposals are assessed below in this context.

Policy OS1 'Protection of Open Space' states that the development of land identified on the Local Plan Map as protected leisure and open space shall not accord with the Local Plan unless it can satisfy the four criteria set out and assessed below:

1. *the proposed development will not have a detrimental impact upon the amenity, character and appearance of the area.*

The proposals would introduce development, and therefore significant change in the character and appearance of an area which is currently either incidental open space or car parking.

The existing character of the area is formed by the Quayside and large expanses of car parking which are rarely utilised to their capacity. This gives the impression of the successful Harbourside housing area 'petering out' into an area which has a limited purpose. The redevelopment of the western edge of Harbourside as a destination has the potential to encourage more visitors to the area and allow for a change in the perception of Irvine as a whole by the introduction of new quality housing product in a key location, subject to a high standard of design. The potential for the delivery of a high standard of design/product is evidenced by Architecture and Design Scotland's endorsement of the proposals. It is considered that this change would have a positive impact on the character and appearance of the area, and as stated above is in line with the spirit of underlying Policy TOU 3.

In terms of amenity, the proposals would result in the removal of leisure car parking from the site. Overflow parking is to be provided by North Ayrshire Council, funded by Irvine Bay URC, on land under the control of NAC and, as was reported to the Planning Committee of the 16th March 2010 does not require planning permission. The car parking area further west at the mouth of the river would be unaffected by the proposals.

As is detailed above Roads Services require that parking standards are in line with the Roads Development Guide, or superseding adopted documents. The applicants are aware of this requirement and that detailed proposals will require to demonstrate such compliance. Suitable conditions can be attached to any planning permission.

2. *where the proposed development is for an outdoor recreational or leisure use.*

A component of the proposal incorporates a promenade along the Quayside, which can be considered to be an outdoor recreational / leisure use.

3. *Where the proposed development is for a use other than outdoor recreational or leisure purposes, it will:*
  - a. *Not adversely affect the recreational value of an area of active or passive open space when considered in relation to the overall level of provision in the area*

A small area of allocated passive open space (amounting to some 0.5 ha) between Beach Drive and the residential land allocation would be lost. While a further area of incidental open space, unidentified in the Local Plan, would also be lost (1.25 ha to the east of the application site), this area is allocated for residential use in the adopted Local Plan and there is therefore a presumption in favour of its development for residential purposes.

The combination of the two areas described above would result in the loss of some 1.75 ha of passive open space to the east of the application site. This area provides a limited quality landscaped area between developed areas (residential/leisure) to the east and the existing car parking area to the west. Overall these areas have limited recreational value. The application proposes to extend development westwards across both the areas of open space and existing car parking. The reason and context for this existing area of passive open space would therefore be lost. As stated above, 1.25 ha of this is allocated for residential use and its loss is therefore acceptable in principle, in the context of the overall development.

Other than incidental areas of open space surrounding the car parking, only 0.5 ha of allocated open space would be lost, as a result of the proposals. As stated above, the underlying TOU3 'Tourist Facilities Within Settlements' allocation demonstrates that this is an area where some form of development is envisaged.

The application site lies immediately adjacent to the Irvine Beach Park. Given the level of recreational provision in the immediate area, the loss of small areas of passive open space is considered to be acceptable and would not affect the overall recreational value of the area.

While parking in the area will be reconfigured, the overall level of parking available to recreational users of the Beach Park will remain, although dispersed, and the parking facilities available in the immediate area will be enhanced through provision associated to the proposed café/restaurant and health and leisure uses.

Overall it is considered that the proposals would not unacceptably affect the recreational value of open space, when considered in relation to the overall level of provision in the area.

*b. Not set an undesirable precedent for further incremental loss of open space; and ,*

The proposals have emerged through the Irvine Bay Regeneration Company (IBRC) and through a land transfer from North Ayrshire Council, they are a key part of the IBRC Town Regeneration Plan for Irvine. While allocated for Leisure and Open Space, the current use of this area contains large areas of car parking and roads and is underlain by Policy TOU3. It is not considered that the proposals would set any precedent.

Criterion 4 of OS1 is not applicable.

In summary, the intention of Policy OS1 'Protection of Open Space' is to retain allocated areas for amenity and outdoor recreational purposes. However, the application site lies within an area also allocated for TOU3 'Tourist Facilities within Settlements', additionally around 30% of the site is also within a residential land use allocation. This therefore differentiates the area from the wider, general strategy for the protection and improvement of Irvine Beach Park. The assessment of the criteria set out by policy OS1 generally supports the proposal.

Policy OS2 (Open Space and Play Provision in New Housing Developments) requires that new housing developments shall make provision for open space and children's play facilities in accordance with the approved Policy for the Provision and Maintenance of Landscaping, Open Space and Play Areas in New Housing Developments.

As the application is for permission in principle only, and reference is made to the provision of play areas for a variety of age ranges. Supporting Information Paper 4 requires that open space is provided to a level of 0.45 ha per 100 houses. As 360 units are proposed, this equates to a requirement for some 1.62 ha of open space within the site. While the application is submitted in principle, indicative drawings indicate that this level of provision is unlikely to be provided.

The policy also states that "where a development is adjacent to an existing area of public open space, there may be a reduction in the on site requirement provided that suitable pedestrian links can be provided". The proposals provide immediate pedestrian access to the Irvine Beach Park, in addition private garden ground and public squares are to be incorporated into the detailed design. While some level of amenity open space will require to be provided within the application site, it is considered that the standards set out within Local Plan Supporting Information Paper 4 do not require to be met in full, although some level will require to be provided at the detailed design stage.

It is considered that a condition should be attached to any planning permission requiring that an appropriate "Play Strategy" is prepared, approved and used as a guide for the detailed design stage. An informative can also be attached requiring that contact be made with NAC Grounds Maintenance in this regard.

Should this "Play Strategy" advise that new or upgraded recreation facilities (off-site) are required, such proposals will be assessed against Policy OS1A at the detailed planning stage. Equally the "Play Strategy" shall incorporate the intentions of Policy OS3.

### Countryside and Natural Environment

Policy ENV6 'Nature Conservation' seeks to protect wildlife habitats. The site does not contain any International, National or Local nature designations. The submitted Phase 1 Habitat Survey concludes that the site is of low/moderate ecological value containing only areas of scrubland, which offer breeding bird habitat, and potential that existing buildings support bat roosts. The submitted bat survey concluded that within the limits of known bat activity it is considered that all three structures within the application site are not currently used by bats and that the existing habitat linkages are sub-optimal for bats. The majority of the site is low ecological value grassland and tarmac. Wider ecological impacts are also considered to be low risk. The felling of trees, shrubs and hedgerows should avoid bird breeding season (typically March- August). Where necessity arises, a suitably qualified ecologist should implement a watching brief. Sufficient replacement of bird breeding habitat should be made available for the following season. The survey does not consider that the SSSI status of the mudflats, located to the north of the harbour would be impacted upon by the development. As such it is considered that the proposals comply with the requirements of ENV6. Conditions can be attached to any planning permission requiring that trees are felled out with the bird nesting season and that a scheme of replacement habitat is included within landscaping proposals, this could be in conjunction with the requirements of ENV17 (Urban Fringe and Countryside Development), see below.

Policy ENV 8 (1) 'Developed Coast', states that development which requires a coastal location and which would enhance the developed coast shall accord with the Local Plan, and the Council will give priority to the reuse of redundant land and buildings which will restore or enhance degradable coastal environments.

The proposals are for development on land identified as 'Developed Coast' and is allocated either for residential or tourism uses in the Plan. This provides a context for the development of the area subject to other policies in the Plan. The application site is occupied by areas of car parking which are underused, and the proposals would enhance the coastal environment. As such the proposals comply with the intentions of ENV8 (1).

Furthermore, given that the site is presently largely undeveloped, (although identified as "developed coast" in the Local Plan) it is accepted that the scale and massing of development proposed would result in a considerable change in the Landscape Character of the area. Although the application is for planning permission in principle only, and that matters of detail will be assessed at a later stage, it is considered appropriate to comment on the acceptability of the indicative massing, when considered in relation to the wider landscape impact. In this regard, the proposed massing could be considered a reasonably sympathetic continuation of the existing harbourside. The massing would also have a level of containment afforded by the surrounding landform ("Billy Bing" to the south and coastal dune system to the west), as such the development would be read in the context of the harbour and wider area to the north. The larger scale buildings to the far west would form a clear end point to the development and reflective of the scale of the "Pilot House". Detailed consideration will be undertaken as matters specified in conditions are addressed.

Policy ENV16 'Contaminated Land' requires that development proposals shall accord with the Local Plan where they involve the restoration or remediation of contaminated land.

A suitable condition could be attached to any planning permission requiring that prior to the commencement of the development the applicants undertake a desk study of the application site, (including the review of any previous site investigations), to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment and that remediation proposals shall be presented in relation to any significant findings. Subject to this condition the proposals would comply with Policy ENV16.

### Built Environment

Policy BE2 (Development Adjacent to Conservation Areas) states that proposals for development adjacent to a conservation area, which have a significant adverse affect on its architectural and historical character and wider setting, shall not accord with the Local Plan.



Policy BE5 'Listed Buildings' states that proposals for development which would have an adverse impact on the setting of a listed building shall not accord with the Local Plan.

The application site lies immediately adjacent and to the western termination of the Irvine Harbourside Conservation Area. This part of the Conservation Area largely contains a successful residential development undertaken by the Irvine Development Corporation in the 1980s-90s, in a traditional Scottish vernacular.

This application proposes townhouse and flatted development of a similarly high density, seen as appropriate to and designed for a seaside location. While initial proposals included a level of massing at the far eastern edge of the application site, which may have had amenity impacts on existing buildings, both within and out with the Conservation Area, the applicants have amended proposals, providing a more appropriate scale in this location.

However, 3 or 3 ½ storey townhouses remain indicated immediately to the east of, and in close proximity to the Harbour Master's Office, a Category 'C'(S) listed building, at 174 Harbour Street. It is considered unlikely that this mass of building could be developed without overly dominating and appearing incongruous to this listed property. The impacts on this listed building can be fully assessed through the detailed design process controlled by a suitable condition attached to any planning permission.

In relation to the Harbour Pilot House, a Category 'B' listed building within the western part of the application site, 5 storey apartments are proposed in this location. Consideration should be given at the detailed design stage to respecting the setting of this building. Again the impacts on this listed building can be fully assessed through the detailed design process controlled by a suitable condition attached to any planning permission.

The proposals can, subject to detail, be considered to respect the adjacent Irvine Harbourside Conservation Area, in respect of the mixture of uses and general massing proposals. However a full assessment of appropriate massing and design, which recognises the transition from the Conservation Area to the east of the application site and the listed buildings within and adjacent to the application site, to the more modern development proposals, with appropriate design solutions complementary to the differing architectural styles. Such detail will be provided and assessed at the detailed design stage, and controlled by suitable planning conditions.

Subject to compliance with the referenced conditions the proposals should comply with Policies BE2 and BE5.

Policy BE6 (Listed Building Restoration) seeks to allow restoration of listed buildings, via cross funding from other development. It is considered that the proposed development should generate sufficient funding to enable such restoration of the two listed buildings within the application site. Full details of works to these listed buildings will be required to be submitted, as a matter reserved by condition. A full assessment of restoration proposals shall be undertaken at that time. Subject to compliance with a suitable condition attached to any planning permission the proposals should comply with Policy BE6.

Policy BE13 (Art in the Community) requires that "The Council shall encourage the provision of art in the community where it is appropriate to the setting of the development and surrounding area through partnership initiatives and by encouraging initiatives with the private sector." The applicants have not made comment on such proposals as part of the application. However, a suitable condition could be attached to any planning permission. As such, the proposals, subject to this condition, could comply with Policy BE13.

## **Material Considerations**

### **Scottish Planning Policy**

The Government has recently (February 2010) consolidated all planning policy documents into a single Scottish Planning Policy (SPP), and the provisions of the former Scottish Planning Policies (SPP's) and National Planning Policy Guidance are now contained within this. Comment on the relevant principles set out in the SPP is set out below.

#### Housing

The Scottish Government is committed to increasing the supply of new homes and the planning system should seek to contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing in the right places. The planning system should enable the development of well designed, energy efficient, good quality housing in sustainable locations and allocate a generous supply of land to meet identified housing requirements across all tenures.

*As discussed under analysis of Policies RES1 and 2 above, there is no requirement for addition to the housing land supply in numerical terms, a generous supply is already available in the context of the current Local Plan.*

The Scottish Government's objectives also include the creation of successful places and achieving quality residential environments, which should guide the process of delivering new housing. SPP also encourages the reuse of infill sites, and formerly used, or brownfield land for new housing.

*The proposal addresses these objectives.*

### Coastal Planning

SPP states that new land-based development in coastal areas should not normally be permitted where it will require significant new defences against coastal erosion or coastal flooding, unless defences are planned as part of a long term settlement strategy. *Consultation with the Council's Flooding and Structural Design Engineer confirms that the development could proceed with only limited works which seek to avoid impacts from potential "wave overtopping".*

Development plans should identify coastal areas likely to be suitable for development. *In this regard the adopted Local Plan identifies the site as being on the 'Developed Coast', and the principle of development to be suitable.*

### **North Ayrshire Local Development Plan - Main Issues Report**

The first stage of the new Local Development Plan (LDP), the Main Issues Report (MIR), was approved at the LDP Committee on 9th November 2009, with a consultation period running from mid January to mid March 2010.

While the MIR is not a draft plan and does not make site specific land use allocations, it identifies alternative and preferred options for development. The application site is identified as a preferred option for development, considering factors such as landscape impact, flooding and other environmental criteria.

At this stage, the MIR carries limited planning status, as emerging policy, and does not establish the principle for the residential development on the site. The adopted Local Plan remains the means by which the application should be assessed. The proposals are contrary to Policies RES1 and RES2 of the adopted Local Plan.

The MIR reflects emerging analysis of future housing land requirements. In terms of new housing development, the MIR identifies a housing land requirement of 2,894 units in the Irvine and Kilwinning, and Three Towns sub Housing Market Areas, in the period to 2025.

Sites in addition to the existing effective land supply will be identified to meet this requirement. The MIR proposes a methodology for selecting those additional sites which would best contribute to regeneration and should be programmed for development prior to 2025.

The proposals would involve significant regeneration benefit given:

- the site's central location;
- the site comprising largely brownfield land;
- the mixed use nature of the site including opportunities for small businesses, and limited retail and leisure development;
- the proposed housing product being of a different offer to other sites in the effective land supply;
- the sites deliverability, given public sector support through the IBRC and the transfer of land from North Ayrshire Council facilitating the development of a high profile site which may otherwise not be viable; and,
- the potential for change in the perception of the immediate area, Central Irvine and their housing product.

The scale of development proposed would meet a relatively small proportion (c.12%) of the identified additional housing land requirement for the Irvine Bay Area in the period to 2025.

### **Regeneration Benefit / Deliverability**

Supporting information stresses that the proposals form a key part of the Irvine Bay Regeneration Company's plans to regenerate the Irvine Bay area, and to stimulate private sector development. It is argued, by the applicant, that there is sufficient justification to allow the delivery of the development in advance of an adopted replacement LDP (in 2012/13) given:

- that the IBRC business plan has been approved by the Scottish Government (as a partner of IBRC), who recognise the need for early action in securing regeneration;
- that the IBRC are a limited life body, with confirmed funding to 2016. The development itself has funding in place to allow it to proceed, however a development of this scale (360 units) may take between 6 and up to 10 years to complete. Awaiting the approval of the Local Development Plan would prejudice the potential for the development to be significantly underway while IBRC funding is in place;
- 30% of the site may have been promoted as windfall site and developed as a first phase in line with Local Plan policy. However a wider solution has been proposed to ensure a critical mass of development allowing: a community to be created; a change in the perception of Irvine; the attraction of a high profile development partner; and, funding to be secured;

- The proposals involve the provision of a high standard housing product which could not be delivered on other sites within the existing effective housing land supply. Such proposals are unlikely to be deliverable by the market in the absence of public sector support; and,
- the need to deliver the associated employment benefits through construction in a time of low economic and construction activity.

It is accepted that the proposals would involve significant regeneration benefit if implemented, and the case for delivery in advance of the emerging Development plan is justified.

### **Transfer of Land**

North Ayrshire Council agreed in February 2007 that an area of land at Harbourside, including the application site, be transferred to the Irvine Bay Regeneration Company, to assist in its regeneration objectives. In furthering these objectives, this comprehensive mixed use proposal has now emerged.

### **4. Conclusion**

The proposals are contrary to Structure Plan Policy COMM2 (housing supply), and Policies RES1 and RES2 of the adopted Local Plan. The proposals are in line with the Development Plan in all other regards. Given that the application is in principle only, matters raised in the Development Control Statement will be assessed at the detailed planning stage.

It is considered that the provisions of the Development Plan are outweighed by Material Considerations relating to the regeneration objectives of the Council, in particular:

1. the need for early action in securing regeneration;
2. the opportunity provided by the development to deliver a comprehensive mixed use proposal at a key location which would meet regeneration objectives; and
3. the risk that delay, pending approval of an adopted Local Development Plan in 2012/13, would prejudice the delivery of the proposals.

On balance, it is considered that the proposals can therefore be supported despite being contrary to elements of the Development Plan. Should the Committee decide to grant this application, under the terms of the Town and Country Planning (Notification of Applications)(Scotland) Direction 2009, there is a requirement to notify Scottish Ministers, given that the Council, as Planning Authority has some interest in the development proceeding, and as the proposal involves a significant departure from the adopted development plan.

This procedure provides important checks and balances integral to the fair operation of the planning system. In these circumstances, planning authorities are expected to demonstrate when notifying applications to Ministers that they have carefully considered the development plan and there is reasonable justification for departing from its terms. A decision on such notification is normally made within 28 days. On notification to the Scottish Ministers there is the potential for the application to be "called-in" and the decision re-examined.

## **5. Full Recommendation**

See Appendix 1.

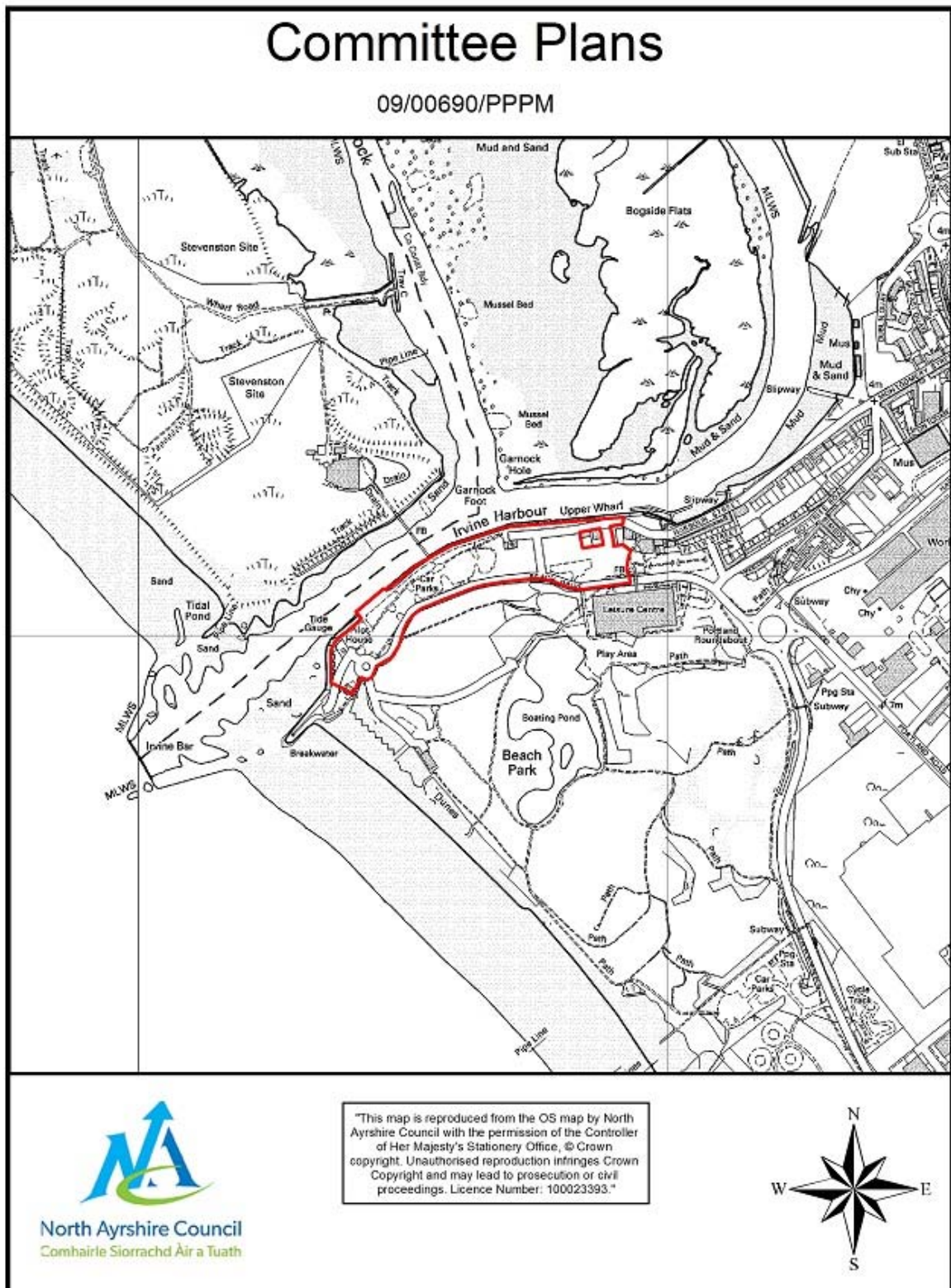
A handwritten signature in dark ink, appearing to read 'Ian T. Mackay', with a stylized flourish at the end.

Ian T Mackay  
Solicitor to the Council

Cunninghame House, Irvine  
16 February 2010

For further information please contact Jim Miller, Chief Development Management Officer , on 01294 324315

JM/LN







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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4**

Planning Committee

**16 September 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. Introduction**

At the meeting on 26th August 2015, Committee was advised that the applicant had requested that the determination of the application be postponed until the next meeting to allow an opportunity to consider further issues in respect of the internal landscape consultant's advice regarding the scheme, a response from Environmental Health in relation to noise and private water supplies and outstanding aviation issues. To date, there has not been any further submissions from the applicant to address these matters.

The Committee agreed to continue consideration of the application to the next meeting, to allow Members to undertake a site familiarisation visit . The site familiarisation visit was held on Monday 31st August 2015.

## **2. 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.

### **3. 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.*

**SEPA** - Originally objected on grounds of lack of information on peat survey results, protection of wetlands and peatlands, and habitat protection and enhancement. Following submission of additional information from the applicant SEPA has withdrawn the objection subject to further modifications to the proposed layout.

*Response – The the applicant has not submitted any formal amended plans to address the modifications required by SEPA, therefore the application should be determined as submitted.*

**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.

#### **4. 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 time 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 time 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  
3 September 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:-

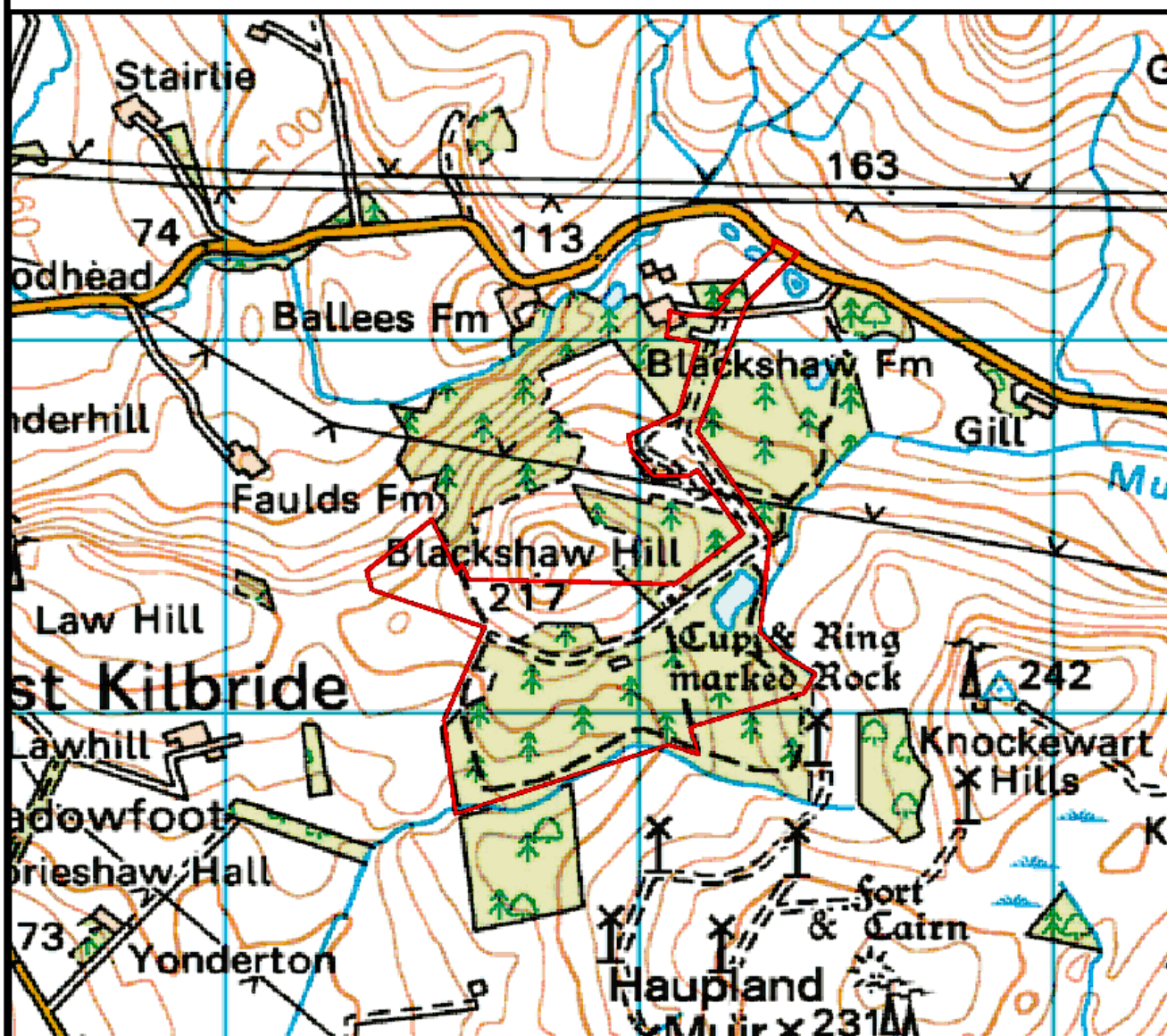
1. The proposal would be contrary to Policy ENV1 of the Adopted North Ayrshire Council Local Development Plan as a development which does not accord with the stated criteria.
2. The proposal would be contrary to Policy ENV7 of the Adopted North Ayrshire Council Local Development Plan being a development 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.





# Committee Plans

15/00200/PPM





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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 5**

**16 September 2015**

#### **Planning Committee**

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**Subject:** **Notice under Section 179 of the Town and Country Planning (Scotland) 1997: 111 Bank Street, Irvine, Ayrshire KA12 0PT**

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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 111 Bank Street, Irvine. 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 building and curtilage of 111 Bank Street, a vacant residential property last in use as a House in Multiple Occupation. The site is adjoined by residential properties to the west and is overlooked by residential properties on the southern side of Bank Street. To the east is commercial garage and to the north is a plot of undeveloped land with Woodland Primary school beyond. To the north-west is Woodlands recreation grounds.

- 1.3 The front garden of the property is overgrown and there has been an accumulation of litter. The rear yard of the property has been used for dumping of waste and some burnt-out containers are sited on the land. There has also been an accumulation of litter on the land. Following a fire within the building, a herras fence has been erected over the access to the rear yard. However, the refuse has not been cleared and burnt items remain throughout the site. Several windows have been smashed including many on the front elevation. Whilst most of the windows have been boarded internally, shards of broken glass remain within the frames. The land, particularly the front elevation facing onto Bank Street, is highly visible from adjacent properties and public viewpoints. The yard to the rear can be seen from the public land to the north. The condition of the land due to the condition of the building, the overgrown front garden, and 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 in principle was granted 15 December 2009 (ref: 09/00725/PPP) for the residential development of the site, including the undeveloped land to the north. A detailed planning application was required within 3 years. However, an application was not submitted and the permission in principle has lapsed.
- 2.2 The Council has received several complaints regarding the site. An inspection of the land on the 25 June 2015, revealed that the property was in a poor condition. The front garden was overgrown with an accumulation of litter. There had been dumping on the site and some of the windows had been smashed. Burnt-out containers were sited in the yard and doors within the rear extension were open. The owner of the land, McLaughlin Construction, was requested in writing to clear the refuse and vegetation and make the property secure.
- 2.3 On the weekend of 10-12 July 2015 there was a fire at the property. The fire was within the building and primarily affected the rear extension. A subsequent inspection of the property revealed that herras fencing had been installed around the rear extension and across the vehicular access to the rear yard. The site had not been cleared. By letter, the owner was advised that the Council had not received a response to the previous correspondence and that the site had not been cleared as requested. They were advised that the Council would now consider the issue of a Notice under S.179 of the Town and Country Planning (Scotland) Act 1997. They were requested to submit any representations they had within 14 days. To date there has not been a response.

### **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 Irvine.
- 3.2 In the interest of the amenity of the area, it is recommended that the Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following:-
- (i) Removal of all refuse and litter from the yard between the front elevation and the front boundary of the property;
  - (ii) Removal of vegetation from the yard between the front elevation and the front boundary of the property;
  - (iii) Remove all pieces of smashed glass from the windows on all elevations and install, as necessary in any smashed windows not already boarded, exterior grade plywood (or similar) boarding; and
  - (iv) Remove all vegetation, litter and refuse, including the remains of outbuildings and containers, from the rear yard of the property.

### **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.

#### 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)

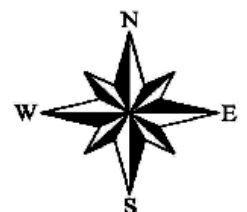
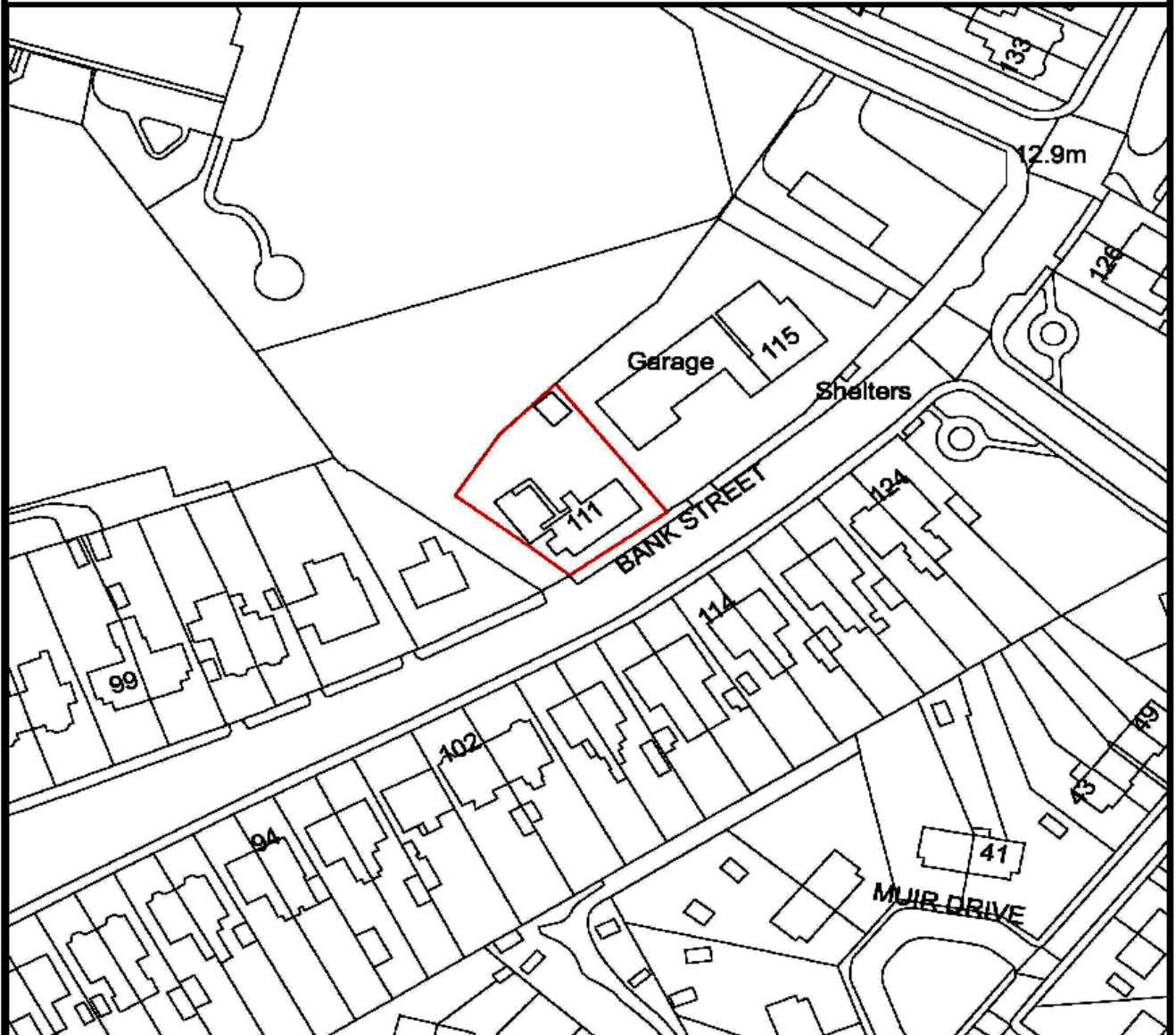
## Reference :

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

## Background Papers

None

**Notice under Section 179 of The Town and Country Planning  
(Scotland Act 1997)  
111 Bank Street, Irvine**







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## **NORTH AYRSHIRE COUNCIL**

### **Agenda Item 6**

**16 September 2015**

#### **Planning Committee**

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**Subject:** **Waste Collection and Storage Planning Guidance**

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**Purpose:** To seek Committee approval of the Waste Collection and Storage Planning Guidance at Appendix 1.

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**Recommendation:** That the Committee agrees to approve the guidance for use in determining relevant planning applications.

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### **1. Introduction**

- 1.1 To help fulfil the Scottish Government's zero waste targets, the Council's North Ayrshire Waste Management Strategy for 2012-2016 aims to reduce the amount of waste disposed of through landfill and seeks to use diverted materials in a more environmentally beneficial manner. For this to be effective, consideration needs to be given through the planning process as to the storage and collection of waste materials. New planning guidance at Appendix 1 has been prepared to embed up-to-date waste management practices within new developments, supporting the Council's commitments to help deliver zero waste targets and apply the waste hierarchy whilst providing high quality recycling services across North Ayrshire. This report gives further background to the guidance.

### **2. Current Position**

- 2.1 The Council has planning policies in place, requiring cognisance of waste storage and collection within new developments. Policy PI7 of the adopted North Ayrshire Local Development Plan requires development schemes to incorporate proposals for the storage, collection and recycling of waste. This policy is supplemented by the Council's current planning guidance for bin storage. This guidance, however, is around 10 years old and requires to be refreshed to reflect legislative change around waste service collection. While the vast majority of new developments provide adequate waste provision, there have been a small number of cases where applicants have not fully considered provision, creating issues for residents through lack of storage space for waste and recyclables and poor access for collection.

### **3. Proposals**

- 3.1 Responding to the above, Waste Services has developed new planning guidance at Appendix 1 drawing from best practice from the National Housing Building Council and other local authorities. The guidance also brings together the Council's policy for waste collection and sets out up-to-date requirements to ensure waste storage and collection access matters are adequately considered at the design stage.
- 3.2 In summary, the new planning guidance covers the following areas:
- legislation around waste collection;
  - dimension and types of wheelie bins required;
  - minimum storage space and volumes per dwelling
  - requirements for communal bin stores
  - minimum access requirements for collection vehicles
  - recycling points for retail developments.
- 3.3 If approved, the guidance would be published on the Council's website, and become a material consideration in the determination of relevant planning applications across North Ayrshire.
- 3.4 It is proposed that the Committee agrees to approve the guidance for use in determining relevant planning applications.

### **4. Implications**

#### Financial Implications

- 4.1 Developers are currently charged for the supply and delivery of Council waste containers for use at new developments. The guidance informs developers of this Council policy.

#### Human Resource Implications

- 4.2 None.

#### Legal Implications

- 4.3 None.

#### Equality Implications

- 4.4 None.

## Environmental and Sustainability Implications

- 4.5 The guidance would benefit the environment by facilitating recycling in new developments, therefore reducing waste for disposal. By encouraging appropriate storage areas for waste within new developments, the guidance would also help protect local environmental quality.

## Implications for Key Priorities

- 4.6 The guidance supports delivery of key Council priorities, namely the Council Plan 2015-2020 and the North Ayrshire Waste Management Strategy for 2012-2016, through encouraging waste management practices that encourage recycling and enhance the overall quality of the environment.

## 5. Consultations

- 5.1 The development of the guidance has been led by Waste Services in consultation with Economic Growth.

## 6. Conclusion

- 6.1 The new guidance presents an opportunity to improve collection arrangements at new developments for the benefit of the environment, residents and businesses.



KAREN YEOMANS  
Executive Director (Economy and Communities)

## Reference :

For further information please contact Andrew McNair, Planning Officer,  
Strategic Planning & Infrastructure on 01294 324769

## Background Papers

None



## **Guidance for Waste & Recycling collection services - Information for developers**

This guide is to enable developers to provide adequate facilities at household properties to store containers for the collection of recyclables, organic waste and general rubbish. The guide is a material consideration in the determination of planning applications and should be read in conjunction with the North Ayrshire Local Development Plan and other relevant local planning guidance. To ensure that adequate provision is made for the waste and recycling collection services for any new development it is recommended that all developers contact North Ayrshire Councils Waste Services for advice prior to the submission of any planning application.

### **Obligations**

North Ayrshire Council currently provides a range of waste collection services to householders and businesses in the area.

The collection services available to households consist of:-

- An alternate weekly collection of commingled dry recyclables including cans, plastic bottles, glass, paper, card and cardboard (blue bin) and residual waste (grey bin);
- An all year round weekly collection of organic garden and food waste (brown bin) - excluding Arran;
- Communal residual waste bins provided at multi-story buildings which are serviced up to 3 times/week; and
- A service for the collection of bulky domestic household items.

The collection services currently available to commercial properties on a chargeable basis consist of:-

- Collection services for residual waste;
- Collection services for comingled dry recyclate (CDR) and
- Collection services for Organic/Food

### **Commercial Waste Producers**

The Waste (Scotland) Regulations 2012 place a number of obligations on commercial waste producers from 1 January 2014.

All businesses, not-for-profit organisations and public sector bodies must take all reasonable steps to separate dry recyclable materials (metal, plastic, paper, card and glass) from the rest of their waste for collection.

Food businesses producing over 50 Kg of food waste per week will be required to separate their food waste for recycling.

Food businesses producing over 5Kg of food waste per week from 1st January 2016 will also be required to separate their food waste for recycling.

North Ayrshire Council provides a chargeable commercial waste collection service to businesses who request service provision to enable compliance with the Environmental Protection Act 1990 and The Waste (Scotland) Regulations 2012. Businesses are required to sign up to a 12 months rolling contract, which is reviewed annually.

### **Commercial Properties**

The Waste Services section of Commercial Services are obliged to carry out Commercial Waste and disposal service for premises who request the service and are located within the North Ayrshire Council boundary. Section 45(1)(b) of the Environmental Protection Act 1990 places this obligation on the Council to provide this service, for which the Council can make an appropriate charge. The Commercial Waste service is the term given to the service which collects sacks and or wheeled bins from businesses premises such as shops, clubs, schools, restaurants and hotels. As a service we also provide practical information to the business community to assist them in minimising resource use and achieving more resource efficient options for dealing with unavoidable wastes.

Scotland's Resource Sector Commitment is a Scottish Government-backed initiative designed to set consistent standards for Commercial Waste services and to help deliver the country's zero waste targets.

North Ayrshire Council has signed up to the Commitment and is committed to:

- Providing customers with high quality recycling services
- Giving advice on preventing waste and using resources efficiently
- Have user-friendly contracts and charging structures
- Enabling customers to give feedback

### **General Requirements**

Applicants for planning permission for residential development are advised to identify the location and design of bin storage and collection facilities in their application.

For detached, terraced and semi-detached properties where possible, wheeled bins and boxes should be located on an area of hard standing within the rear curtilage with access to the collection point. Where bins cannot be accommodated within the rear curtilage the developer shall provide bin stores.

For all flatted properties developers shall provide bin stores, irrespective of their locations within the site, or bin storage rooms. Particular care should be given to the siting of bin storage areas and the external appearance of bin stores in any Conservation Area and within the curtilage of any Listed Buildings.

Household bin containers should be placed at the kerbside, with the lid closed, before 7am on the day of collection. Bin containers should be removed from the kerbside as soon as is practical following collection and they should not be stored permanently on the pavement.

## **Household Properties – Detached, Semi Detached, Town Houses etc.**

The large majority of properties within the North Ayrshire have three wheeled bins collecting different elements of waste or recycling. This is the preferred method of collection and bag collections are not acceptable for any new or redeveloped properties. The residual waste and mixed recycling containers are currently emptied on an alternate week collection system; along with the organic waste collection which is collected on a weekly basis.

### **Household Kerbside Residual Waste Collection (Grey bin)**

Each household will be provided with a 240 litre grey wheeled bin for the collection and disposal of residual waste (non-recyclable waste), which cannot be recycled within the blue and brown recycling bins.

Householders are asked to only use the grey bin for non-recyclable domestic waste.

### **Household Commingled Dry Recyclables Collection (blue bin) and Organic Garden and Food Waste Collection (brown bin)**

Each household, where practicable, will be provided with a 240 litre blue wheeled bin for the collection of commingled recyclables including clean paper, glass containers, newspaper, magazines, cardboard, hard plastics, plastic bottles, tetrapak (e.g. washed cartons), washed aluminium and steel cans. Dry cardboard boxes can be placed beside the blue bin for uplift and will be removed where no contamination is evident.

Each household, where practicable, will be provided with a 240 litre brown wheeled bin for the collection of organic waste (garden and food waste), with the exception of Arran where no service is required under a derogation set out within the Waste (Scotland) Regulations 2012.

The Council is committed to recycling material in line with the Waste (Scotland) Regulations 2012. Householders are asked not to contaminate material separated for recycling.

### **Dimensions of Wheeled Bin containers**

**Table 1: Dimensions of standard sized wheeled bins**

<b>Bin capacity (litres)</b>	<b>Waste contained within</b>	<b>Colour</b>	<b>Width</b>	<b>Height</b>	<b>Depth</b>
240	Recyclables	Blue	59cm	106cm	73cm
240	Organic Waste	Brown	59cm	106cm	73cm
140	Organic Waste (supplied at the discretion of North Ayrshire Council)	Brown	48cm	106cm	55cm
240	General rubbish	Grey	59cm	106cm	73cm

240 litre style container



These containers to be issued to all houses that have outdoor garden space e.g. detached, semi detached or town houses.

Any bins/containers for the collection of organic waste, recyclables or residual waste will need to be stored within the grounds of a property 365 days of the year. Experience indicates that residents prefer bins/containers to be stored to the rear of their property or in a designated screened bin store.

### **Containers**

All containers which are provided for a fixed charge will be charged in line with charges as set by North Ayrshire Council.

### **Container Storage areas**

The storage area should be sufficient to allow access to all bins individually without disturbing the others. If the three wheeled bins were to be lined up when stored at a property there would need to be a minimum footprint space allowed of 180cm in width and 75cm in depth. This would enable a resident to store their bins lined up enabling access to any one of their bins at any time. If a fully enclosed bin shelter/store was being provided (please note a bin shelter/store is not compulsory) the minimum internal height would need to be 181cm, to enable the bin lid to be opened fully with the bins still in situ. This internal height is the maximum height of a 240 litre bin with its lid fully upright.

The siting of bin stores should have regard to the relationship with the residential development and existing buildings. Bin stores should be visually unobtrusive and may take the form of a suitable building, enclosure or screen.

The external appearance of bin stores should have regard to the locality and the materials and colours used should match the residential development. Where possible bin stores should be screened with landscaping and integrated into other domestic features.

Bin storage rooms are acceptable within flatted properties providing that a separating wall or floor with short fire resistance duration is provided between the waste storage room and the rest of the building. The preference, however, is for bins to be accommodated out with the building.

### **Collection area**



All waste and recycling collections are made from the kerbside. Refuse collectors will not normally enter private land to undertake a collection. Consideration therefore needs to be made to enable suitable access from the bin/container storage area to the kerbside or agreed collection point where a resident is required to present the bins for collection on collection day.

Distance from bin storage areas to collection point must be kept to a minimum and should be no more than 45 metres from the roadside collection point where 240 litre bins are used or no more than 15 metres from the collection point where communal bins of more than 1000 litres are used to provide safe movement of containers for residents.

The route between storage and collection point should be step and obstruction free including extensions or renovations.

Dropped kerbs are essential when planning bin storage and bin stores for development in order to ensure that bins can be presented for collection and collected safely.

It is a requirement that bins are presented for collection by 7am on the morning of collection and no earlier than the night before a collection day; bins should also be removed by the evening of the collection day i.e. when residents return home from work etc. The refuse collection operatives will return all bins presented for collection to the point whereby the bins were presented for collection. It is a resident's responsibility to return all bins to the storage area i.e. rear of their property.

### **Collection vehicles**

For efficiency reasons the Council generally operate 26 tonne triple axle refuse collection vehicles (RCV's) for the collection of recycling, organic waste and residual waste from the majority of properties within North Ayrshire.

The Council are keen to eliminate reversing of large RCVs by ensuring that road access is designed in such a way that allow RCVs to operate in a forward gear only wherever possible, where this is impractical developers must ensure that adequate access and turning areas are provided for RCVs servicing their developments or the Council may designate an alternative collection point.

**Table 2: RCV dimensions are shown below:**

<b>RCV - weight</b>	<b>Width</b>	<b>Length</b>	<b>Height</b>	<b>Turning circle (wall to wall)</b>
26 tonne	3 metres	12 metres	3.4 metres	21 metres

Developers should therefore in consultation with North Ayrshire Council Roads Section take into account the access needs of an RCV to ensure this council can provide a regular collection service. Avoiding arches, overhanging buildings or trees, surfaces unable to support 26 tonne RCV's or vehicle parking limitations, all of which could cause obstruction and impact on access.

### **Un-adopted Access Roads**

Where an un-adopted road is provided for access to service bin collections this must be of a suitable standard. Waste Services reserves the right to decline to use an un-adopted access road which it deems unsuitable. Where an un-adopted access road is used for waste collection, responsibility for its upkeep, wear and tear or surface damage remains the responsibility of the owners or their representative. Waste services will not accept any liability.

### **Discretionary Exceptions**

#### **Flats above a shop or other commercial development**

Developments which include a flat above a shop for example need the same amount of storage space as detailed for the standard three bins as listed for a house. Also refer to guidelines detailed in storage and collection area as for a house.

#### **Terraced/Mews properties**

Terraced or mews type properties may cause difficulties as they may have no front garden or drive way. They may also have no direct access to the rear of the house from the front. The Council would never expect residents to move wheeled bins through a property. If rear access is not possible around the dwelling, a storage area will be needed at the front of the property. Ideally screening or a bin store/shelter will hide the unsightliness of such storage, this should be to the dimensions detailed in the storage area paragraph previously.

To enable such properties to have the same access to our collection services, if wheeled bins are not suitable and at the discretion of Waste Services they may be given:

- Supply of white sacks for the collection of general rubbish
- Supply of clear sacks for the collection of recycling
- Supply of brown/green sacks for the collection of organic food and garden waste

The sacks should be presented for collection in accordance with the same policy and procedures as any of the three household waste bins. Another option for residents with a sack collection (and no direct access to the rear of the house from the front) may be for bins to be located permanently at the back of the property so they have a storage container out with their property. This is not ideal however it allows the residents somewhere to store the waste until the collection day when the sacks should be presented.

#### **Rural Properties**

In rural areas residential development may be a considerable distance from the public road. In these circumstances developers should seek advice from Waste Services regarding properly designed collection points at the roadside and any associated bin store, including opportunities for shared provision.

Note –Waste Services would object to any new development which involved the use of sacks as a primary waste collection requirement. Sacks are also noted as a last resort where properties are being renovated.

### **Communal Bins - Multi occupied dwellings i.e. apartment blocks or flats**

Such properties are slightly different from individual dwellings and it may be beneficial for any developer looking to build such to get in contact with North Ayrshire Councils Waste Services as soon as possible for advice or collection methods to be used in such.

Containers will be emptied on an alternate week collection system for recyclables and general waste; and a weekly collection for organic waste. Where such dwellings would not accommodate every property having their own individual bins the service may be provided by use of communal bins.

These stores would need to be able to house large bins of up to 1280 litres in capacity. If a number of dwellings are required to share a bin store we may need to issue multiple containers to provide adequate storage space for the waste generated.

#### Refuse Chutes and Collection Hoppers

Refuse chutes feeding collection hoppers, are only acceptable in exceptional circumstances such as high blocks of flats. Waste storage areas should have provision for washing down and draining the floor into a wastewater drainage system. Gullies should incorporate a trap that maintains a seal even during periods of disuse. Walls and floors should be of an impervious surface that can be washed down easily and hygienically. The enclosures should be permanently ventilated at the top and bottom. Developers are referred to section 3.25 of the Scottish Building Standards Technical Handbook.

**Table 3: Dimensions of containers to be used at multi occupied dwellings**

Bin capacity (litres)	Waste contained within	Width	Height	Depth
1100	General Waste	120cm	130cm	100cm
1280	Recyclables	130cm	150cm	95cm
500	Organic Waste	120cm	120cm	70cm
240	Organic Waste	59cm	106cm	73cm

1100 litre style container



240 litre style container



In order to calculate the number of bins that would be required by a multi occupied dwelling using communal bin stores, we would multiply the capacity (in litres) that would be provided using the standard bins as per a house.

The example below shows how we would calculate the litre capacity required at a communal dwelling, this is an example based on a development of 10 flats/apartments, sharing a communal bin storage area:

- 240 litres x 10 dwellings = 2400 litres capacity for recyclable waste, therefore a minimum of two 1280l wheeled bins would be needed (note this is an alternate weekly collection)
- 240 litres x 10 dwellings = 2400 litres capacity for general waste, therefore a minimum of two 1100l wheeled bins would be needed (note this is an alternate weekly collection)
- 25 litres x 10 dwellings = 250 litres capacity for organic food waste, therefore a minimum of two 240l wheeled bins would be needed (note this is a weekly collection). The 25 litres assumption is based on food waste only being collected as most multi-occupancy dwellings generally don't have any garden waste

A development of this size therefore would require a total of 2 x 1100 litre bins, 2 x 1280L bins, and 2 x 240 litre bins as a minimum. This will enable this Authority the ability to offer all properties the same kerbside collection services.

### **Communal bin stores**

The design of a bin store is paramount; consideration should therefore be given to:

- Doors and access should be designed to allow bins and bulky items to be safely and easily manoeuvred in and out.
- Any doorway needs as a minimum to be as wide as the largest bin it holds.
- If a store has a requirement to hold a number of large bins consideration needs to be made to ensure users have adequate space to use the bins i.e. place waste into them, whilst access will be needed to ensure council collectors can access the store and collect the relevant bin without moving the remaining bins.
- Adequate internal and external lighting to ensure users can use the store safely at all hours of the day
- Located within a reasonable walking distance to the furthest apartment that it serves (taking account of the weight of waste to be carried and that some residents may be physically incapacitated)
- Must be directly accessible from the adopted highway with a dropped kerb to enable bins to be easily manoeuvred

Developers should in every instance calculate the number of large bins to be needed by any communal bin store and calculate the footprint of the bins required depending on the number of dwellings sharing the bin store. Advice and guidance can be provided by North Ayrshire Council's Waste Services.

### **Access to communal bin stores**

It is Council policy that collection vehicles shall not cross private roads or courtyards due to risk of damage. Council refuse collectors will be responsible for gathering bins from the communal bin stores on collection days and returning them once emptied. It is not acceptable to rely on residents to move communal bins to the highway for collection. Any access should therefore be suitable to withstand a 26 tonne RCV.

If it is not possible to get the refuse collection vehicle next to the bin storage area the refuse collectors will only enter the store to collect the bins if they are within a reasonable walking distance, it is a recommended guideline that refuse/recycling collectors should have a pull distance of no more than 10 metres. Any surface between the location of a bin store and the direction in which a bin has to be pulled to meet the collection vehicle should be flat, even with no raised kerbs i.e. not gravel, cobbles etc.

## **Costs**

All new developments in particular a household development brings additional demand for facilities and services. It is North Ayrshire Council's policy that developers pay the cost of supplying a set of containers for each new dwelling created.

This comprises the following elements:

- Purchase of a 240l wheeled bin for the collection of residual waste
- Purchase of a 240l wheeled bin for the collection of recyclables
- Purchase of a 240l wheeled bin for the collection of organic waste
- And/or similar provision for communal properties

The cost of containers is available on request. This cost does not relate to the day to day revenue costs which would be borne by the householder's Council tax.

Households are also currently supplied with an annual supply of biodegradable liners and a food collection caddy to support food waste recycling.

## **Recycling Points**

Areas for the provision of Recycling Points are requested for retail developments.

The number and size of containers can vary depending upon the local requirements and usage. It is though recommended that a minimum area of approximately 8m by 4m is required to site a standard range of containers providing facilities for mixed recycling and textiles.

Consideration should be given to vehicle access which will be required to empty the containers located on a Recycling Point. The surface should be hard standing which can be swept clean and screening from nearby properties may also be appropriate.

Whilst there is no requirement on developers of household dwellings to provide an area that can be used to site a Recycling Point, it is best practice to consider the development of a small hard standing area for the collection of material not collected at the kerbside such as textiles, books etc.

## **Commercial properties**

Consideration needs to be given for the storage of bins and the footprint needed. Such premises would need to probably have a number of large bins probably of a capacity of

1100 litres minimum. The number of bins needed would be dependent on the nature and size of the commercial premise but the commercial operator would need to take cognisance of their obligation as set out in the Waste (Scotland) Regulations 2012

**For further advice or assistance please contact North Ayrshire Council**

Tel: 01294 310000

Email: [contactus@north-ayrshire.gov.uk](mailto:contactus@north-ayrshire.gov.uk)

Write: North Ayrshire Council  
Commercial Services  
Waste Services  
Montgomerie House  
2A Byrehill Drive  
West Byrehill Industrial Estate  
Kilwinning  
KA13 6HN

## Summary of requirements

Type of dwelling	Vehicular Access requirements	Dimensions of standard containers	Dimensions of storage area required (rear of property preferred)	Dimensions of collection area to be located at property curtilage with public highway
<b>Houses – semi-detached, detached properties (as per larger families - five or more residents)</b>	Dimension of largest refuse freighter: -width – 3m -length – 12m -height 3.4m -turning circle (wall to wall) 21m	Three 240 litre wheeled bins: -width per bin – 59cm -height per bin – 106cm -depth per bin – 73cm	Minimum footprint needed of: -width - 180cm (three bins side by side) -depth – 75cm (depth of 240l bin)	Minimum footprint needed of: -width – 120cm (maximum of two bins to be presented on a collection day) -depth – 75cm (depth of a 240l bin)
<b>House – Mews or terraced properties</b>  <b>Flat above a commercial development i.e. shop</b>	Dimension of largest refuse freighter: -width – 3m -length – 12m -height 3.4m -turning circle (wall to wall) 21m		Minimum footprint needed of: -width - 180cm (three 240l bins side by side) -depth – 75cm (depth of 240l bin) <b>NB:</b> If property has no frontage, and there is no rear access, alternative containers may be issued. Decision on containers can only be made by NAC's Waste Services section	Minimum footprint needed of: -width – 120cm (maximum of two bins to be presented on a collection day) -depth – 75cm (depth of a 240l bin) <b>NB:</b> If property has no frontage, it is assumed containers will have to be collected from the public footpath or highway

## Multi Occupancy dwellings

Vehicular Access requirements	Dimensions of containers	Dimensions of bin storage area	Requirements of a communal bin store
<p>Dimension of largest refuse freighter:</p> <ul style="list-style-type: none"> <li>• width – 3m</li> <li>• length – 12m</li> <li>• height 3.4m</li> <li>• turning circle (wall to wall) 21m</li> </ul>	<p>Dependent on total number of dwellings sharing bin store area.</p> <p>Refer to Table 3 for bin dimensions and use calculation to determine number of bins required.</p>	<p>Dependent on total number of dwellings sharing bin store area.</p> <p>Refer to Table 3 for bin dimensions and use calculation to determine number of bins required.</p>	<ul style="list-style-type: none"> <li>- Doors and access should be designed to allow bins and bulky items to be safely and easily manoeuvred in and out.</li> <li>- Any doorway needs as a minimum to be as wide as the largest bin it holds.</li> <li>- If a store has a requirement to hold a number of large bins consideration needs to be made to ensure users have adequate space to use the bins i.e. place waste into them, whilst access will be needed to ensure council collectors can access the store and collect the relevant bin.</li> <li>- Adequate internal and external lighting to ensure users can use the store safely at all hours of the day.</li> </ul>



			<ul style="list-style-type: none"> <li>- Protection from inclement weather.</li> <li>- Located within a reasonable walking distance to the furthest apartment that it serves.</li> <li>- Must be directly accessible from the adopted highway with a dropped kerb to enable bins to be easily manoeuvred.</li> <li>- Located within a pull distance of no more than 10m to adopted highway</li> <li>- Any surface between the bin store and direction in which the bins must be pulled should be flat and even i.e. not gravel/cobbles etc</li> </ul>
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## Recycling Points

Development Type	Minimum footprint area required	Requirements
Household dwelling	8m x 5m	<ul style="list-style-type: none"><li>- Surface should be hard standing</li><li>- Screened from nearby household properties to reduce visibility and noise.</li></ul>
Retail development	8m x 5m	<ul style="list-style-type: none"><li>- Surface should be hard standing</li><li>- Screened from nearby household or retail properties to reduce visibility and noise.</li></ul>