



Cunninghame House,  
Irvine.

30 May 2013

### **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 5 JUNE 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the previous meeting of the Planning Committee held on 15 May 2013 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

### 3. Deputations

#### **Irvine/Kilwinning**

Receive deputation and submit report on the following applications:-

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

Erection of community, cultural and leisure centre, including refurbishment of town house, relocation of war memorial, development of car park and other associated works

(copy enclosed).

### 4. Garnock Valley

Submit reports on the following applications:-

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

Extension to existing wind farm comprising of two additional wind turbines measuring 74.5m high to hub and 125m high to blade tip

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

Erection of two halo lit fascia signs to side elevations and two externally illuminated trough fascia signs to front of dental surgery (retrospective)

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

Removal all of Section 75 Agreement attached to planning permission 07/01192/PP relating to occupancy restriction

(copies enclosed).

### 5. Irvine/Kilwinning

Submit reports on the following applications:-

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

Siting of temporary sales cabin for a period of 3 years with associated parking and landscaping

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

Formation of an 18 hole links golf course with associated residential development consisting of hotel (with spa, 50 rooms, plus 150 two bed suites for fractional use) and 176 apartments in blocks of 4 (to include the option of 70 as residential units for sale) together with associated roads, parking pathways and landscaping

(copies enclosed).

**6. North Coast and Cumbraes**

Submit report on the following application:-

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

Formation of Viking Memorial Garden in the existing public garden

(copy enclosed).

**7. Urgent Items**

Any other items which the Chair considers to be urgent.

---

## Planning Committee

---

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee  
15 May 2013

**IRVINE, 15 May 2013** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Brown in the Chair.

**1. Declarations of Interest**

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 24 April 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Garnock Valley**

**3.1 12/00526/PP: Dalry: Site to North of Baidland Hill**

Community Windpower, Godscroft Lane, Frodsham, Cheshire have applied for planning permission for an extension to the existing wind farm comprising of 2 additional wind turbines measuring 74.5m high to hub and 125m high to blade tip at a site to the north of Baidland Hill, Dalry. 3 objections and 482 statements of support have been received, as detailed in the report.

The Senior Planning Services Manager updated the Committee on the consultation responses from NATS (En-Route), BAA (Glasgow Airport) and Clyde Muirshiel Regional Park in connection with the application.

Councillor Barr, seconded by Councillor Steel, moved that the application be remitted to Officers for determination under delegated authority. There being no amendment, the motion was carried. The Senior Planning Services Manager then requested that in the first instance the item be continued to the next meeting pending the receipt of legal advice on the appropriateness of remitting the matter to Officers.

Accordingly, the Committee agreed in the first instance that the item be continued to the next meeting pending the receipt of legal advice on the appropriateness of remitting the matter to Officers.

### **3.2 13/00112/PP: Beith: Glengarnock: Kyle Water Ski Club**

Kyle Water Ski and Wakeboard, The Boathouse, Lochshore, Kilbirnie Loch have applied for planning permission for the installation of an underground septic tank and associated soakaway at Kyle Water Ski Club, Glengarnock, Beith.

The Committee agreed to grant the application.

### **3.3 13/00198/PP: Beith: Site to North of 47 Head Street**

Gareth Rae, 49 Head Street, Beith has applied for planning permission for a change of use from open space to form garden ground on a site to the north of 47 Head Street, Beith.

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

1. That within 2 months of the date of this consent, details of the timetable for a scheme of remediation measures to eradicate Japanese Knotweed from the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme, as may be approved, shall be implemented, and on completion, the applicant shall appoint a suitably qualified person to certify that Japanese Knotweed has been eradicated from the application site, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That details of the proposed boundary treatment and landscaping including species, planting densities, soil treatment and aftercare shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of works/clearance on site.

## **4. Irvine/Kilwinning**

### **4.1 13/00039/PPPM: Kilwinning: Kelvin Avenue: Nethermain Industrial Estate**

Ashtenne Industrial Fund LP, 80 St Vincent Street, Glasgow have applied for planning permission for the demolition of industrial building(s) and the erection of new business/industrial units (Classes 4, 5 & 6) and place of worship (Class 10), formation of open space including engineering operations, access and landscaping and refurbishment of existing industrial units at Nethermain Industrial Estate, Kelvin Avenue, Kilwinning. 2 objections have been received, as detailed in the report.

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

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, cycle parking and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, taking account of the Framework Strategy submitted as part of this application, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed. Clarification of the 1:200 year functional floodplain, determining the developable area shall also be provided;
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including future maintenance. The Drainage Assessment shall consider potential impacts on water quality, public health and the environment. SUDS shall be self-certified by a suitably qualified person. Protection from flooding should be provided to the existing foul sewage pumping station within the predicted area of flooding;
- (e) the means of access to the site;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;

(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

(i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

2. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

(a) expiry of 3 years from when permission in principle was granted;

(b) expiry of 6 months from date when an earlier application for approval was refused; and

(c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

(i) different matters; and

(ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the further application(s) required under the terms of Condition 1 above shall include a detailed Transport Assessment, Signage Strategy and Travel Plan, including a detailed analysis of the main routes to, from and within the site which link to the wider network and any improvements required to maximise connectivity, for the approval in writing of North Ayrshire Council as Planning Authority. The 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, taxis and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan and Policy TRA10 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).

4. That the further application(s) required under the terms of Condition 1 above shall include details of the shared path / cycle way connections throughout the site and linkages to the National Cycle Route all for the approval in writing of North Ayrshire Council as Planning Authority.



5. That the further application(s) required under the terms of Condition 1 above shall include 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. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted 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.

6. That intrusive site investigation works should be undertaken in order to establish the coal mining legacy issues on the site and documentation provided detailing the findings thereof. In the event that the site investigations confirm the need for remedial works to treat mine entries and/or areas of shallow mine workings, to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall be undertaken prior to commencement of the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the further application(s) required under the terms of Condition 1 above shall include an Arboricultural Impact Assessment and Arboricultural Method Statement. Such documents should be used to guide the detailed design process in the siting of buildings and other development where groundworks would be undertaken. Protection of retained trees should be undertaken in line with BS5837 2012, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. The recommendations within the Ecology Assessment, submitted in support of the application, shall be implemented in the detailed design of the development, to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted with MSC application(s) demonstrating the undertaking and/or programming of these recommendations implementation.

9. That the further application(s) required under the terms of Condition 1 above shall include detailed landscaping proposals. Such details should contribute to the establishment of a wider "green corridor" network, for outdoor recreation, and landscape and nature conservation, and provide for amenity grounds for users of the development. This shall include matters such as: strengthening of structural landscaping and undertaking of remedial maintenance to woodland areas; the introduction of a planted margin to tree compartments, such that separation from development areas and ecological benefit occurs; the protection of trees during development phases, in line with BS 5837 2012; and provision of amenity/specimen trees throughout the development areas, all to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

11. Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. Prior to the commencement of development full details of any external lighting, prepared by a suitably qualified person, shall be provided for the written approval of North Ayrshire Council as Planning Authority. Such external lighting shall be designed and positioned such that it would not result in light pollution to the detriment of residential amenity, cause undue distraction, nor impact adversely on wildlife interests.

13. Sunlight, daylight and shadowing analysis of impacts on nearby residential property shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

14. No development shall take place within the development site, as outlined in red on the approved plan, until the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted, and approved by North Ayrshire Council as Planning Authority. Thereafter the approved programme of archaeological works shall be fully implemented and all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

15. The proposed Class 10 use shall be limited to a place of worship only and shall not be used for any other use within that use class.

#### **4.2 13/00040/PPPM: Irvine: Annick Road: South Newmoor Industrial Estate**

Ashtenne Industrial Fund LP, 80 St Vincent Street, Glasgow have applied for planning permission for the demolition of industrial building(s) and (1) erection of new business/industrial units (Classes 4, 5 & 6), ancillary hotel, crèche, retail units and associated access, engineering operations and landscaping, and (2) erection of ancillary public house/restaurant at South Newmoor Industrial Estate, Annick Road, Irvine.

The Committee agreed to (a) grant permission for the erection of new business/industrial units (Classes 4, 5 & 6), ancillary hotel, crèche, retail units and associated access, engineering operations and landscaping, subject to the following conditions:-

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, cycle parking and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, taking account of the Framework Strategy submitted as part of this application, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed. The proposed crèche shall be afforded a 1:1000 year standard of protection;
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;
- (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

2. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 3 years from when permission in principle was granted;
- (b) expiry of 6 months from date when an earlier application for approval was refused; and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters; and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the further application(s) required under the terms of Condition 1 above shall include a detailed Transport Assessment, Signage Strategy and Travel Plan, including a detailed analysis of the main routes to, from and within the site which link to the wider network and any improvements required to maximise connectivity, for the approval in writing of North Ayrshire Council as Planning Authority. The 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, taxis and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan and Policy TRA10 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).

4. That the further application(s) required under the terms of Condition 1 above shall include details of the shared path / cycle way connections throughout the site and linkages to the National Cycle Route all for the approval in writing of North Ayrshire Council as Planning Authority.

5. That the further application(s) required under the terms of Condition 1 above shall include 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. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted 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.

6. That intrusive site investigation works should be undertaken in order to establish the coal mining legacy issues on the site and documentation provided detailing the findings thereof. In the event that the site investigations confirm the need for remedial works to treat mine entries and/or areas of shallow mine workings, to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall be undertaken prior to commencement of the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the further application(s) required under the terms of Condition 1 above shall include an Arboricultural Impact Assessment and Arboricultural Method Statement. Such documents should be used to guide the detailed design process in the siting of buildings and other development where groundworks would be undertaken. Protection of retained trees should be undertaken in line with BS5837 2012, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. The recommendations within the Ecology Assessment, submitted in support of the application, shall be implemented in the detailed design of the development, to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted with MSC application(s) demonstrating the undertaking and/or programming of these recommendations implementation.

9. That the further application(s) required under the terms of Condition 1 above shall include detailed landscaping proposals. Such details should contribute to the establishment of a wider "green corridor" network, for outdoor recreation, and landscape and nature conservation, and provide for amenity grounds for users of the development. This shall include matters such as: strengthening of structural landscaping and undertaking of remedial maintenance to woodland areas; the introduction of a planted margin to tree compartments, such that separation from development areas and ecological benefit occurs; the protection of trees during development phases, in line with BS 5837 2012; and provision of amenity/specimen trees throughout the development areas, all to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the further application(s) required under the terms of Condition 1 above, where they relate to the proposed hotel, crèche and retail units shall demonstrate in detail how the proposed uses meet the criteria to serve only a local need, could be conveniently accessed on foot from adjacent development, would have no detrimental effect on infrastructure by attracting additional traffic from outwith the local area, and would not affect the underlying industrial land use for the site and be appropriate in design and scale to the surrounding uses. The provision of such uses shall be restricted to serving that local need.

11. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

and (b) refuse permission for the erection of ancillary public house/restaurant on the following ground:-

1. The proposed public house and restaurant would be contrary to Policy IND 14 of the adopted North Ayrshire Local Plan (excluding Isle of Arran) as it has not been demonstrated that the proposed use would: (i) comply with the underlying land use Policy for the area, (ii) support business and industry in the area, and (iii) not attract vehicular traffic from outwith the area. It is considered that the proposed use would be more appropriately directed to a town centre location.

#### **4.3 13/00207/PP: Irvine: Lamont Drive: Chuck Wagon**

Andrew McKeen, 1 Trondra Gardens, Kilmarnock has applied for planning permission for the removal of Condition No. 2 of Planning Permission 11/00636/PP, to permit the permanent siting of a snack bar at Chuck Wagon, Lamont Drive, Irvine.

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

1. That for the avoidance of doubt, no external areas outwith the footprint of the building shown on the site plan ref: PL 01 A, shall be used for outdoor seating, food service or any other assembly purposes without the prior written agreement of North Ayrshire Council as Planning Authority.

2. That, within three months of the date of this planning permission, final details of the external appearance of the building shall be submitted for the written approval of North Ayrshire Council as Planning Authority, and that such details as may be approved shall be implemented within the approved timescale and thereafter maintained, all to the satisfaction of the Planning Authority.

#### **5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to land at east side of Garnock Street, at junction with Merksworth Avenue, Dalry**

Submitted report by the Corporate Director (Development and Environment) on the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the local area, in relation to land at the east side of Garnock Street, at the junction with Merksworth Avenue, Dalry.

The land has been vacant for several years and the remains of burnt down or collapsed timber structures remain on site. Vegetation has grown on site and the dumping of refuse has taken place resulting in an accumulation of refuse and litter on the land.

The Council has been in ongoing correspondence with the owner and an inspection of the land on 16 April 2013 revealed that there had been no improvement in the land's previous condition.

In the interest of the amenity of the area, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 giving the owner 2 months to secure the removal of all refuse, litter and the remains of the timber structures from the land.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, on land at the east side of Garnock Street, at the junction with Merksworth Avenue, Dalry.

#### **6. Revocation Order to Fairlie No 1 Tree Preservation Order at Burnfoot Road/Station Road, Fairlie**

Submitted report by the Corporate Director (Development and Environment) on the revocation of the Fairlie No 1 Tree Preservation Order (TPO) for trees at Burnfoot Road/Station Road, Fairlie.

A request has been made for a review of the existing Fairlie No 1 TPO which relates to mature deciduous trees on rear garden properties which face each other at 4/8 Burnfoot Road and 5/13 Station Road, Fairlie.

Since the designation of the TPO in 1989, planning permission has been granted for a number of applications for tree pruning and tree felling works within the area. It is considered that the trees no longer merit protection by a TPO given the loss of trees over the years with Dutch elm disease, rot fungus and basal decay to the extent that those remaining within the TPO area offer little in terms of their wider amenity value and are not of particular historic or cultural significance.

In addition, given their immediate proximity to the banks of the Fairlie Burn and the size of some of the more mature species, there is concern that with the continued erosion of the banks of the burn, it will become increasingly more onerous to maintain existing tree cover in the area. Due to these considerations, and the fact that some of the larger mature trees are now of such a height as to potentially pose health and safety issues in the future to adjoining properties, it is proposed that the existing TPO be revoked and responsibility for protecting the trees be passed back to the owners.

The Committee agreed to authorise the serving of a Revocation Order for the Fairlie No 1 Tree Preservation Order on the owners of the site.

## **7. Portencross Coast: Site of Special Scientific Interest (SSSI) to be renotified as Portencross Woods SSSI and Southannan Sands SSSI**

Submitted report by the Corporate Director (Development and Environment) on the notification by Scottish Natural Heritage that land at the Portencross Coast SSSI is proposed for renotification as two separate smaller sites of special scientific interest as follows:-

- Portencross Woods (coastal woodland); and
- Southannan Sands (extensive mudflats).

The renotification focuses on the notifiable nature conservation interests of the area at Portencross Woods and deletes large areas of industrial land at Hunterston from the original SSSI designated site of 1971.

The Committee agreed to submit representations to support, in principle, the proposed Portencross Woods SSSI and Southannan SSSI designations.

## **8. Proposed Development Brief: Perceton House, Irvine**

Submitted report by the Corporate Director (Development and Environment) on the publication of the proposed Development Brief for Perceton House, Irvine.

The emerging Local Development Plan identifies the potential for redevelopment of the Perceton House site and allocates parts of the site for residential use. The heritage interests, combined with the landscaped grounds, mature trees and other ecological considerations have resulted in the preparation of a development brief.

The Development Brief contains information on acceptable uses, which include housing, other residential use (such as care home), or hotel/leisure use. The Brief sets out specific developable areas of the site and identifies a number of sensitivities and how these should be dealt with, including the mature trees, designated landscape and the presence of one or more bat species.

The purpose of the brief is to inform the determination process for a future planning application by providing guidance to developers on matters which require to be addresses in redeveloping the site.

The Committee agreed to approve the Development Brief for Perceton House for publication.

The meeting ended at 2.50 p.m.



---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 3**

Planning Committee

	<b>5 June 2013</b>
Planning Area	<b>Irvine/Kilwinning</b>
Reference	<b>12/00197/CAC 13/00046/PPM 13/00047/LBC</b>
Application Registered	<b>18 April 2012 12 February 2013 12 February 2013</b>
Decision Due	<b>18 June 2012 12 June 2013 12 June 2013</b>
Ward	<b>Irvine West</b>

---

<b>Recommendation</b>	Agree (a) to grant Planning Permission subject to the conditions contained in Appendix 1; and (b) to grant Listed Building and Conservation Area Consents, subject to (i) Sections 12 and 66 respectively of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and (ii) the conditions contained in Appendix 1
-----------------------	---

---

<b>Location</b>	Irvine Townhouse and surrounds including land to east and north east bounded by East Road and High Street, Irvine
-----------------	---

<b>Applicant</b>	North Ayrshire Council Property Management And Investment Perceton House Perceton Irvine KA11 2AL
------------------	---

<b>Proposal</b>	Erection of community, cultural and leisure centre, including refurbishment of Townhouse, relocation of war memorial, development of car park and other associated works
-----------------	--

---

## **1. Description**

- 1.1 This is a combined report in respect of applications for Conservation Area Consent, Planning Permission and Listed Building Consent. The proposals seek to demolish buildings within the Irvine Town Centre Conservation Area, develop a community, cultural and leisure centre, including the refurbishment of the listed Townhouse, the relocation of a listed war memorial, the development of a car park and other associated works.
- 1.2 The gross floor space of the building exceeds 5,000 square metres therefore the proposals are a 'Major' development under Section 26A of the Town and Country Planning (Scotland) Act 1997, as amended, and the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2008.
- 1.3 The buildings to be demolished comprise: the 'Annick' Community Centre; the former police station and associated buildings; two vacant dwellinghouses; and an outbuilding associated to the Townhouse.
- 1.4 The proposed leisure centre building can be described as a 'gateway' building over three levels, with reduced accommodation at first and basement level. The central elevation to High Street, which adjoins and is adjacent to the Townhouse, is two storeys high and a similar height and set back from the part of the Townhouse. The building then returns towards High Street, at a slightly higher level before curving round to and down East Road, where a 'cut-out' section would create a space occupied by a partially enclosed courtyard and garden. The 'rear' elevation to East Road would retain the same scale and then return down a side service/access lane ('Jail Close') to a functional courtyard area. The finish to the building would be a mixture of glazing, terracotta and translucent cladding materials. Sections of brickwork would also be used on secondary elevations. The roof would be a high performance flat roof system with sealed joints and flashings. All parts of the roof would be accessible for maintenance without specialist equipment.
- 1.5 The leisure centre has been designed to be flexible, to maximise the number of activities which can be accommodated. The principal elements are a Pool Hall, Fitness Facilities and Ancillary Functions.

- 1.6 The Pool Hall would comprise:
- a 25m long 6 lane swimming pool with stepped and lift access and equipped for club level competition with lane ropes, starting blocks, electronic timing and touch pads;
  - a smaller 10m x 20m multi use pool for children/learners and as a warm up facility during competitions, it will have a movable floor for flexibility of use and access;
  - changing facilities with cubicles sized to accommodate individual, family and disabled users; and
  - spectator seating for 200, including disabled access.
- 1.7 Fitness Facilities including:
- a 6 court multi-use hall accommodating sports such as basketball, netball, 5-a-side football, hockey, circuit training, gymnastics, volleyball, tennis, etc all to club level; this larger hall will also be designed to accommodate non-sporting activities such as antique and craft fairs, cultural events and exhibitions, etc. and musical events;
  - 3 multi-purpose studios capable of accommodating a range of activities including dance and fitness classes, yoga and martial arts. It is also indicated that studios would be available for let to the community;
  - dry changing, again to accommodate individual, family and disabled users;
  - a 100 station fitness suite, with a wide range of equipment and with the ability to be sub-divided. The fitness suite will be able to cater for persons with limited movement and be suitable for fitness testing and GP referral. The fitness suite will have its own dedicated changing facilities.
- 1.8 Ancillary Functions are indicated to include:
- consultation / assessment rooms for health and fitness professionals;
  - an information centre providing advice on health and fitness issues;
  - a café and lounge; and
  - an extensive foyer area for exhibitions, recitals, meeting and gathering.
- 1.9 The Townhouse is to be used as a centre for cultural and civic use and indicated facilities include:
- an archives and records room;
  - a 'Scotland's People' room providing access to historic records; and
  - the use of the main hall for civil weddings, civic functions, theatre, art exhibitions and for conference and business events.

- 1.10 The works to the listed building are largely remedial repairs, with the primary objective being to restore and refurbish the building to a suitable condition for continued use. Physical works include major stonework repairs to the external fabric, the repair, refurbishment and modernisation of the internal rooms, facilities and services.
- 1.11 The 'war memorial' is to be relocated from its present position close to the junction of East Road and High Street to immediately in front of the Townhouse. It is advised that this relocation would return the memorial to its location in the 1930s.
- 1.12 The submitted 'Design & Access Statement' seeks to set out, in detail: the aspirations of the applicant; and the rationale and detail of the proposals. The stated intention is to develop a good quality sports, cultural and leisure facility, for all sectors of the community, to meet the standards of quality required to catalyse, with other developments, the regeneration of Irvine town centre. The leisure centre building is designed to be of a scale and mass which aligns itself with the Townhouse and the larger commercial buildings on the High Street. The use of glazing and modern construction technology is seen as being appropriate. The function of the building and the environmental impact are considered to be carefully resolved. The result is the creation of a simple, elegant and resolved envelope. It is not intended to be iconic or fashionable, with shapes not developed unnecessarily. Rather the form seeks to achieve a solution to the problems and to achieve the goals. The design has seen peoples needs as critical to its success. Texture, colouring, smell and psychological association have been considered. The quality of materials used is also seen as being equally important in the final choice and detailing. The design team consider that this response has solved the issues of scale and massing, but have also integrated the smaller human scale into the design.
- 1.13 The site is located between East Road and High Street, Irvine, including land to the rear (north-east) and side (east) of the Townhouse. The car park is located across East Road from the Annick Centre, would contain 40 spaces. A lane, 'Jail Close', along the north-west boundary, providing public access between High Street and East Road, would have gates provided to restrict unauthorised access. A 'Stopping-up Order' may be required to confirm the closure of 'Jail Close' as a public right of way.

- 1.14 To the east and north-east are residential properties on East Road and Carters Place, as well as a public house at the junction of East Road and High Street. To the north-west are the rear of both commercial and residential properties on High Street, East Road and Bank Street. The closest adjoining property facing onto East Road is in use as a guest house, with commercial properties beyond. The frontage of the Townhouse, facing onto High Street, has a hot food takeaway immediately to the west, beyond which are further commercial premises. Opposite the Townhouse, across High Street, are commercial properties on High Street and residential properties, including those on Kirkgate and within Parterre.
- 1.15 The site and surroundings are relatively flat with only small changes in ground levels. Overall the site extends to some 1.14 hectares.
- 1.16 The principal public access to the proposed leisure centre would be from High Street, by a pedestrianised public square, with the building elevation set back from the front elevation of the Townhouse and returning to form a 'public square' enclosed on three sides and open to High Street.
- 1.17 Entry to the leisure centre would be to a reception foyer, with access therefrom to all internal facilities, including the Townhouse. Various secondary and emergency accesses/exits are located around the external faces of the building. Access by the Townhouse front door would be limited. A rear external 'garden' area to the north-east corner of the site, formed as a result of a 'cut-out corner' of the building and partially enclosed by walls and mounding to East Road, would see a secondary public access point to and from the building, particularly the sports/events hall. Service access would be by the rear (East Road) and side access lane. Disabled parking is also proposed, accessed by this side lane. A drop-off point is located to the front of the public square, on High Street. The car park is located to the rear, across and accessed off East Road.
- 1.18 Pre-application meetings, including a meeting at which all of the consultees and applicants and agents were invited, focussed on the planning issues arising from the proposed development and facilitated future contact with relevant stakeholders, including the public.

## **Planning Policy**

- 1.19 The Adopted North Ayrshire Local Plan (excluding Isle of Arran) identifies the site as a town centre allocation. The site specific policies are TC1 (Town Centres) and TC4 (Development Sites). Other relevant policies are: TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), TRA9 (Car Parking), TRA10 (Taxis), TOU3 (Tourist Facilities within Settlements), OS1A (New and Upgraded Leisure and Recreational Facilities), ENV16 (Contaminated Land), BE1 (Development in Conservation Areas), BE2 (Development Adjacent to Conservation Areas), BE3 (Demolition in Conservation Areas), BE5 (Listed Buildings), BE10 (Archaeological Sites), BE13 (Art in the Community) and BE14 (Design Guidance). All applications must also be assessed against the relevant criteria of the Development Control Statement (DCS).

## **Supporting Submissions**

- 1.20 In support of the application, the applicants submitted a Planning Statement, a Pre-Application Consultation Report, Design and Access Statement, an Archaeological Written Scheme of Investigation, Drainage Strategy Report, Proposed Drainage Scheme, Low/Zero Carbon Energy Report, Noise Impact Assessment, Bat Roost Appraisal, Air Quality Assessment and Transport Assessment. Additionally there are statements relating to the external and internal works to the Townhouse as well as an existing condition survey and proposal report.

## **Planning Statement**

- 1.21 The statement provides information relating to: the background and site selection; details of the proposed development; discusses planning policy and development plan considerations; finally providing a summary and conclusions, from the perspective of the applicant.

## **Pre-Application Consultation (PAC) Report**

- 1.22 Details the public consultation process undertaken; changes to the proposals as a result of the consultation exercise; with a summary and conclusions thereof.

## **Design and Access Statement**

- 1.23 The project background; the sites history and urban context; consultations undertaken; the strategy for the development, including – the historic context, the place in the town, transportation, environmental issues, and the resulting response; proposed uses and internal layouts; urban design issues, including urban place making, the high street, the war memorial, and the internal courtyard and garden; scale and massing issues, discussing the appropriateness of scale, and the human scale; appearance, covering – environmental impacts, function of interior facilities, function of external cladding, relationship to the surrounding buildings, symbolism of the building, client requirements and needs, architectural and design response; access issues; approach to design of interior; security; car parking; and quality.

## **Archaeological Written Scheme of Investigation**

- 1.24 Provides: the planning context relating to archaeology; the historical and archaeological background; earlier archaeological investigations; potential for archaeology; objectives; strategies for intrusive archaeology and public engagement strategy; advice on general working procedures; and references.

## **Drainage Strategy Report**

- 1.25 Discusses proposals for both foul and surface water drainage. It also advises that a Drainage Impact Assessment (DIA) was submitted to and discussed with Scottish Water, and is accompanied by a layout drawing showing a proposed drainage scheme.

## **Low/Zero Carbon Energy Report**

- 1.26 This report considers the design ethos and approach to carbon emissions and the adoption of 'Low or Zero Carbon Technologies (LZCTs)'. It notes that the detail reflects the current design stage. It states that low energy use and carbon generation have been at the core of the design process and regularly reviewed therein. The deployment of this process is defined under 3 broad classifications: Reducing Demand (Passive Design Features); Efficiencies in Design (Active Design Features); and Low or Zero carbon Technologies (Renewable Energy). These classifications will be addressed in the detailed design, culminating in the Building Warrant process.

## **Noise Impact Assessment**

- 1.27 Covers noise from both plant and machinery, and breakout from entertainment activities within the sports hall, main pool, Townhouse function room and use of the outdoor garden space. Calculations based on the proposed building fabric and construction, in conjunction with an electronic noise level limiter (limiting music in function rooms to a reverberant level of 86dBA), predict a noise level external to the nearest noise sensitive receiver of 49.8dBA. The level of significance assigned to the predicted music noise from the Sports Hall in accordance with the PAN 1: 2011 web based Technical Advice Note is considered “slight”. Noise from activities in the main swimming pool, including full capacity spectator stands has also been predicted at the neighbouring dwellings. The level of significance assigned to the predicted spectator noise in accordance with PAN 1: 2011 is considered “neutral”. The level of significance assigned in accordance with PAN 1: 2011 for noise from activities within the Townhouse, at the nearest neighbours, is “neutral/slight”. Calculations based on the building services plant design show that the specific mechanical plant noise will be less than 5dB above the current background providing the proposed mitigating measures are put in place. These include additional silencing of the basement CHP unit and screening of the rooftop condenser units. Noise levels are predicted to be less than 50dBA at the nearest neighbours when 45 people are using the outdoor garden space. The level of significance assigned to the predicted music noise from the Sports Hall in accordance with the PAN 1: 2011 is considered “slight”. Disturbance from patrons leaving the building late at night will be controlled by management with all customers exiting directly onto High Street.

## **Bat Roost Appraisal**

- 1.28 Advises on the legislative requirements in relation to bats; reviews historical local information; sets out the limitations of the survey; details the methodology taken; and provides results, conclusions and recommendations; as well as providing useful contact details. No evidence of bats was found on the day of the survey. However various recommendations are made relating: to raising awareness, to persons involved in the development, of the protection status of bats; actions to take if bats are encountered during works; and to undertake further investigations prior to demolition works.

## **Air Quality Statement**

- 1.29 Details national, regional and local policies and principles relating to air quality; sets out the assessment methodology and criteria; identifies significant methodology and criteria; states potential impacts; and recommends mitigation measures.



## **Transport Assessment**

- 1.30 Includes statement on existing conditions; the nature of the proposals; planning policy framework; site accessibility; a 'Travel Plan' framework document; vehicular traffic attractions; parking position; comment on the Irvine Town Centre car parking strategic direction; sets out anticipated traffic impact; and provides a summary and conclusions.
- 1.31 The summary and conclusions are that: the site is centrally located and in proximity to other town centre uses (providing for linked trips), is well served by public transport, and town centre car parks. Disabled parking will be available to the rear of the Townhouse and the existing East Road car park will be reconfigured to accommodate 40 spaces, it will be barrier controlled and for exclusive use by the centre. Staff and visitor cycle parking is to be provided. A dedicated service area is to be provided off East Road. Coach drop-off and pick up areas are identified, subject to control by a TRO. Pedestrian infrastructure condition and capacity surveys in critical locations have been undertaken and potential improvements identified. Potential improvements to cycle facilities have also been identified. A Travel Plan is to be produced to promote and encourage the use of sustainable travel modes. Parking surveys have been undertaken and conclude that even excluding private car parks, onstreet parking and accounting for a 15% buffer it is forecast that there will be enough spare capacity within alternative public Council operated car parks to accommodate demand. Parking related initiatives under consideration by North Ayrshire Council are also noted and although not considered to be necessary, would create further parking availability. Junction capacities have been analysed and no amendments are considered necessary.

## **Townhouse - External and Internal Repair Works**

- 1.32 Provides 'Statements of Significance' describing and discussing both the Townhouse and the War Memorial. It assesses the present condition (internally and externally) and recent history of works associated to the Townhouse. Commentary is given in relation to national and local planning policy. Outlines the proposed restoration works, including the relocation of and works to the War Memorial. States the proposed facilities to be accommodated.

### **Townhouse - Existing Condition Surveys and Proposal Reports**

- 1.33 Reports on non-invasive (visual) surveys undertaken of the existing mechanical and electrical services within the Townhouse. These surveys were to address the condition of these services. Discussion is undertaken in relation to the existing situation and options for future installations.

### **Townhouse - Structural Condition Surveys and Proposal Reports**

- 1.34 Advises that the building is currently in a poor state of repair, but notes that many attempts have been made to resolve on-going structural issues. It refers to a comprehensive condition appraisal undertaken by consultancy DTZ in 2010. This report concluded a cost of £3-3.5m to repair the fabric of the building, to replace services and to generally restore the building to create accommodation appropriate for modern use. This report is also referenced as an appendix, with its content informing the current document. The body of the report comments generally on the construction of the Townhouse, as it relates to the development proposed. It is advised that inspections did not include unexposed or inaccessible areas.

### **History**

- 1.35 The approval of Listed Building Consent in November 1996 for internal alterations and the formation of an external metal staircase to the rear elevation of the Townhouse (Ref: 96/00320/LBC). The approval of a Notice of Intention to Develop and Listed Building Consent in November 2006 for alterations to the exterior of the Townhouse comprising the removal of stone and replacement with blockwork finished in a lime harl to both side elevations (Ref: 06/01280/NID and 06/01281/LBC). The approval of Listed Building Consent in November 2007 for internal alterations to the Townhouse (Ref: 07/00770/LBC). An application for Conservation Area Consent to demolish the former Police Station and its ancillary buildings was submitted and subsequently withdrawn in October 2009 (Ref: 09/00711/CAC). The approval of Listed Building Consent in November 2010 for the installation of temporary supports to the projecting stone portico over the main entrance of the Townhouse (Ref: 10/00480/LBC).

## 2. Consultations and Representations

2.1 Neighbour notification was undertaken on 12 February 2013, in relation to the planning application. The applications for planning permission and listed building consent were advertised in a local newspaper on 22 February 2013, for neighbour notification, as an application for listed building consent, as a 'Bad Neighbour' type development, and as development affecting the character or appearance of a conservation area. An advert was also placed in the Edinburgh Gazette on 22 February 2013, as an application for listed building consent. These press adverts expired on the 15 March 2013. A site notice was also displayed as the development would affect the setting of a listed building, the notice period running between 20 February and 15 March 2013. The application for conservation area consent was advertised in both a local newspaper and the Edinburgh Gazette on 27 April 2012, expiring on 18 May 2012. A site notice was also displayed relating to the conservation area consent application between 27 April and 18 May 2012.

2.2 To date 270 letters, some with multiple signatories, and 8 petitions with a total of some 3,600 signatures have been received objecting to the applications. The issues raised can be summarised as follows:

- (a) Object to the closure of the 'Magnum' and call for its refurbishment at a lesser cost than the provision of a new leisure centre, with reduced capacity and facilities, at the Townhouse site. The reduction in level of facilities between the two shows a lack of ambition, will not see health improvements, will affect the morale of the people of Irvine, will see a fall in visitor numbers and is the wrong direction for Irvine as a Town and Community. This will see a reduced overall offer and spend within Irvine, all to the detriment of the public and in particular the users of the 'Magnum'. Stories from the Council of replacement facilities, for those which will be lost with the closure of the 'Magnum', are not viable alternatives.

***Response*** – *The future of the 'Magnum', the costs associated and the issues associated to the difference in levels and type of provision between that facility and the proposals, or the provision of other facilities elsewhere, are not material planning considerations in the determination of these applications.*

- (b) The closure of another sports facility on the west coast of Scotland should not be allowed, calls are made to present this case to the Scottish Parliament and the UK Prime Minister.

**Response** - *Issues associated to the 'Magnum' are not material planning considerations in the determination of these applications.*

- (c) No public consultation was undertaken in respect of the proposals and people living in the local area don't want it.

**Response** – *Public consultation was undertaken during the Pre-Application Consultation process, the detail and findings of which are set out in the PAC Report submitted in support of the application.*

- (d) The Magnum Leisure Centre is being systematically rundown by the Council to allow them to say "It's past it's sell by date " and thus be able to accommodate the 'URBAN SPLASH' development of Harbourside.

**Response** – *The future of the 'Magnum' and its on-going maintenance are not material planning considerations in the determination of these applications. The proposed 'URBAN SPLASH' development of Harbourside does not include the Magnum site.*

- (e) It is ludicrous to demolish the 'Magnum' facility for a golfing complex.

**Response** - *It is assumed that this comment relates to proposals by The Ayrshire Golf Company Ltd (Ref: 13/00015/PPM) for the formation of a 18 hole golf course and associated developments including a hotel and apartments. No part of that development relates to the site of the 'Magnum'.*

- (f) The demolition of the Annick Community Centre and the Police Station will result in the loss, rather than conservation, of two historic buildings of importance to the character and appearance of the conservation area and setting of the listed Townhouse. The Annick Community Centre dates from 1845 and was built as a school where working class children were educated for the first time, under the Education Act of 1845-50. No reasoned justification has been given explaining why these buildings cannot be retained, restored or sympathetically converted to another appropriate use, given the presumption against demolition within the Local Plan and other guidance. It is also considered important to retain the historic 'Jail Close'. Irvine has lost enough of its historic buildings. The proposals would have an adverse effect of the "grain of the medieval burgh (as defined by the ancient agricultural field pattern of narrow strips: 'riggs')" especially as the proposed building would be the equivalent of 5 plots wide.

**Response** – It should be noted that neither the Annick Community Centre nor the former Police Station are listed buildings. Historic Scotland have been consulted on the application and advise that whilst they regret the loss of the buildings proposed for demolition, that the wider benefits of the proposals provide justification for their loss. They make no negative comments relating to the impacts on the setting of the listed Townhouse. The scale of development proposed could not be achieved if the buildings proposed for demolition were to be retained and used, as such, given the wider benefits associated to the proposals their loss is necessary.

- (g) The site is too small to accommodate the level of development proposed and does not allow for any future expansion. Thus the proposed building would thus be inappropriate in design and scale, including street furniture, in its location within the Conservation Area, as well as the association to the listed Townhouse, all to the detriment of the setting of that listed building and the setting of the Conservation Area.

**Response** – The scale, massing and relationship of the proposed building with the Townhouse and wider Conservation area has been considered by the architects, and their reasoning is set out in the supporting documentation. The context of the Townhouse within the townscape would remain as a prominent and central civic building, with important vistas and views retained. A strong ‘sense of place’ would result from the creation of the civic area to the front of the proposed building, to the side of the Townhouse. The proposed leisure centre would not overly dominate the Townhouse and would not overlay principle elevations. The overall height and setting back from the principle elevation of the Townhouse, to form the civic square, as well as the light touch to the points of connection to the listed building are all positive design concepts. It is accepted that the extensive singular mass of the proposed building is different to the smaller masses and more broken structure of the other buildings in this part of Irvine, although the proposed leisure centre would not be as high as some other buildings. However, it is noted that in order to achieve the level of facilities proposed the form of the building has largely been set by that functionality. It is also accepted that there is a strong contrast in the design and finish between the Townhouse and the proposed leisure centre. Overall it has been shown that consideration has been given in relation to the setting of and design issues associated to the listed building and the position within the Conservation Area. There is no requirement to consider any potential to expand the facilities in the future.

- (h) The site is not and cannot be made accessible to cyclists.

**Response** – NAC Roads and Transportation have advised that, the applicant, through the Transport assessment (TA) has demonstrated that with some improvements to the surrounding road infrastructure the development is widely accessible for all modes of travel. Therefore on condition that the infrastructure improvement works detailed in their consultation response and within the (TA) are carried out the proposals are acceptable. Conditions can be applied in line with the requests of NAC Roads.

*The site is considered accessible, being a town centre location, and provision is to be made to facilitate and encourage cycling as a mode of transport. Cycle parking shall be provided and a Travel Plan, including setting out means by which cycling will be supported and encouraged, can be required by a suitable planning condition.*

- (i) The development as a result of: noise; pollution; access difficulties; poor footpath standards; and inappropriate street furniture, is not suitable for the disabled and young people, particularly due to its remoteness from parking facilities.

**Response** – Noise issues are detailed in the supporting Noise Impact Assessment and are discussed in the consultation response from Environmental Health. Conditions are recommended such that noise levels at sensitive properties are acceptable. The assessment has assumed that noise generating activities will not be undertaken after 11pm. In relation to 'pollution', air quality issues are detailed in the supporting Air Quality Statement and are discussed in the consultation response from Environmental Health.

- (j) NAC Roads and Transportation have advised that the TA has demonstrated that some improvements to the surrounding footway infrastructure are required. The maintenance issues will be addressed through routine maintenance with improvements carried out as part of the proposals. A condition can be applied seeking that a 'Current Footway Condition Survey' be undertaken and that any necessary improvements required to accommodate the use anticipated by the development and any repairs to footway construction, relating to damage occurring during the period of construction shall be undertaken.

Supporting information indicates that the building has been designed to comply with the requirements of BS8300 - Design of buildings and their approaches to meet the needs of disabled people. Further detailed analysis of access issues shall be considered during the building warrant process.

The centre of Irvine is not a pleasant place to be at night and this proposal will increase anti-social behaviour in the locality.

**Response** – *It is not considered that the proposals will directly result in an increase in anti-social behaviour in the locality.*

- (k) The proposals do not include adequate convenient car and coach parking/drop-off/pick-up facilities. Wider Council proposals to provide additional parking are not guaranteed and no funding has been identified to provide such infrastructure. The lack of parking close to the site will result in a tendency for patrons to park within nearby residential streets to the detriment of residents therein.

**Response** – *NAC Roads and Transportation have advised that, the TA has indicated that a pedestrian crossing on High Street would be beneficial to the operation of the drop off/pick up arrangements. It has also indicated that the restrictions on the bays will be discussed and agreed with the local roads authority. The TA has addressed the issue of bus turning, should an amendment to the current traffic orders not be achieved - buses can physically turn within Kirkgate car park. Conditions can be applied to address the issues advised by NAC Roads. Day to day coach parking is the responsibility of drivers and advice on appropriate locations can be provided by NAC Roads. Arrangements for major events would be discussed and agreed with the Local Roads Authority and Police.*

- (l) The locality is heavily congested with traffic and subject to numerous traffic orders restricting access and parking, the proposals would significantly exacerbate this situation and increase levels of pollution.

**Response** – *NAC Roads and Transportation have been consulted and recommend various conditions and promotion of TRO's (or other suitable measures), subject to these matters they have no objections to the proposals.*

- (m) The proposals will have a negative impact on businesses within the Town Centre, particularly as a result of disruption during such a major construction process.

**Response** – *A principal reason for the proposals is to see regeneration in the Town Centre through increased footfall, the provision of an ‘anchor’ development in the historic core of the town centre, an increase in visitor spend figures and to generate additional employment opportunities. Any disruption will be controlled by positive working practices and measures required by other necessary regulation and consents. Any short term impacts will be off-set by the likely long term benefits to businesses within the town centre, although the economic activity associated to the construction phase should not be discounted.*

- (n) The application site exceeds the area covered by Policy TC4 (Development Sites) and should therefore be assessed against TC5 and TC1.

**Response** – *It is not considered that, given the site is located well within the wider defined extent of the Town Centre, that TC5 is relevant. Neither is it considered relevant that the site extends beyond the area identified by the TC4 allocation. The proposals are assessed below against policies TC1 and TC4 and are considered compliant.*

- (o) There is a more suitable alternative site at East Road, which is more accessible and has better parking, as per the Council’s cross service steering group assessment.

**Response** – *Given that the site is located within the Town Centre it is not necessary to consider alternative sites or assess their merits on planning grounds.*

- (p) Bus stop problems due to overcrowding next to the proposed leisure centre.



**Response** – SPT advise that a condition should be applied to ensure that adequate bus layover facilities are retained in the locality, an informative can be applied advising the applicant to discuss the design and location of such facilities with SPT. It is also pointed out that Traffic Regulation Orders also require to be addressed, such that access routes are available, this matter is discussed in the NAC Roads response. A condition is also required to secure adequate provision of real time public transport information within the proposed leisure centre, again an informative can be applied advising the applicant to discuss the design and location of such facilities with SPT. Finally a condition can also be applied requiring suitable operational bus routes during the construction period, again an informative can be applied advising the applicant to discuss the design and location of such routes with SPT.

- (q) The movement of the war memorial to the indicated location will be close to a bus stop and will affect the war remembrance service and parade, Marymass Crowning and other civic and public events.

**Response** – The applicants have advised that discussions have been held with the British Legion on the proposed location and design, who agreed the proposals were acceptable. Furthermore it is considered that the proposals would result in an appropriate position for the memorial, in the wider urban realm and create both a focal point and a respectful civic setting for various events. It is considered that sufficient space would be available for relevant public and civic functions.

- (r) Drainage problems will result from blocked drains from increased litter and leaves.

**Response** – It is not considered that such issues would unacceptably occur as a result of the proposals.

- (s) The information issued with the neighbour notification was limited and gave no detail of the proposals. This appears to be a deliberate attempt to confuse people on the nature of the proposals.

**Response** – The form and content of the neighbour notification met with statutory requirements. Public consultation was undertaken during the Pre-Application Consultation process, the detail and findings of which are set out in the PAC Report submitted in support of the application.

- (t) An adjoining property, with property adjacent to 'Jail Close' would like to form their own customer car park, using the service/disabled parking access for the proposed leisure centre. Requests are made to discuss this issue with the applicants. Further issues relating to the accuracy of drawings showing access paths are also raised.

**Response** - *This request to enter discussions has been passed to the applicants. Revised drawings updating the layout have been received.*

- (u) The proposed trees within the landscaping plan would block lines of sight towards businesses beyond the proposed leisure centre. Trees within the town centre have also been removed due to maintainable, damage to buildings, drainage and CCTV problems.

**Response** - *NAC Streetscene have been consulted and provided comments in relation to the landscaping proposals. A condition could be applied requiring that detailed landscaping proposals are submitted for the approval of North Ayrshire Council as Planning Authority and an informative advising that NAC Streetscene are consulted by the applicants in designing those landscaping proposals.*

- (v) It is questioned why the site plan extends to the shop fronts opposite the Townhouse. If this is to facilitate the blocking off of the road this will decimate businesses on High Street.

**Response** - *The applicant has chosen to indicate on the submitted plans an extended site boundary crossing High Street. There are no proposals to block or close this section of High Street.*

- 2.3 Some comment has been received in support of the proposals, noting the decline of the Town Centre over a number of years and welcoming any plans which will bring more people to the area and revitalise the High Street.

- 2.4 **Irvine Community Council (ICC)** – Object. The issues raised can be summarised as follows:

- (a) Raise concerns in relation to the level of public consultation undertaken, level of transparency in decision making and clarity on the funding of the proposals by North Ayrshire Council both post and prior to the decision to site a leisure centre at this location.

**Response** – *Public consultation was undertaken during the Pre-Application Consultation process, in line with statutory planning requirements, the detail and findings of which are set out in the PAC Report submitted in support of the application. The decisions on the funding of the proposals are not material planning considerations in the determination of these applications.*

- (b) North Ayrshire Council have made attempts to get round Historic Scotland, who stated their reservations regarding the demolition of the former police station and the Annick Centre.

**Response** – *As required in such projects, there has been engagement with Historic Scotland (HS), by both the applicants and the Council, during both pre-application and the period for determination. The consultation response from HS is detailed in the 'Consultations' below.*

- (c) The conservation area and listed building are not being conserved from inappropriate development and the new development is out of character with existing buildings in use, scale and design. This is contrary to the statements in paragraphs 13.3 and 13.4 of the adopted Local Plan.

**Response** – *An analysis of the proposals against the provisions of the adopted Local Plan are set out in the 'Analysis' section below.*

- (d) The siting of the development does not have regard to the relationship with existing buildings and its visual effects on the surrounding area and landscape; the design does not have regard to the existing townscape and does not give consideration to size, scale, form, massing, height and density; the external appearance does not have regard to the locality in terms of style, fenestration, materials and colour. All contrary to criterion (a) of the General Policy within the draft Local Development Plan.

**Response** - *The scale, massing and relationship of the proposed building with the Townhouse and wider Conservation area has been considered by the architects and their reasoning is set out in the supporting documentation. The context of the Townhouse within the townscape would remain as a prominent and central civic building, with important vistas and views retained. The proposed leisure centre would not overly dominate the Townhouse and would not overlay principle elevations. The overall height and setting back to form the civic square, as well as the light touch to the points of connection to the listed building are all positive design concepts. It is accepted that the extensive singular mass of the proposed building is different to the smaller masses and more broken structure of the other buildings in this part of Irvine, although it is not as high as some other buildings. However, it is noted that in order to achieve the level of facilities proposed the form of the building has largely been set by that functionality. It is also accepted that there is a strong contrast in the design and finish between the Townhouse and the proposed leisure centre. Overall it has been shown that consideration has been given in relation to the setting of and design issues associated to the listed building and the position within the Conservation Area. Assessment of the application against the Development Control Statement (DCS) of the adopted Local Plan, which is largely similar to the General Policy within the emerging modified Local Development Plan, is undertaken below in the 'Analysis' section.*

- (e) Parking will be a major problem and the buildings situation could cause problems with vehicular and pedestrian traffic, particularly in relation to the service access (Jail Close); how will legal rights of access on Jail Close be affected; there is no drop-off point next to the leisure centre, as such pedestrian access from the car park to the rear would require to cross busy roads and pass licensed premises a dangerous and intimidating arrangement; how will the proposed car park be policed; as a result the proposed car park will not be used to its potential and other car parks will be abused by leisure centre users. All contrary to criterion (b) of the General Policy within the draft Local Development Plan.

**Response** – NAC Roads and Transportation have advised that, 'Jail Close' is an existing historical access with no issues reported to the local road authority - the traffic levels associated with this access will be comparable to previous levels. Speeds at this location will be low given the bend and nearby traffic signals. The local roads authority has no objections to this being used as a disabled access, staff access and low level servicing. NAC Roads also advise conditions requiring some improvements to the road crossings in the area and an addition of a pedestrian crossing in High Street. The TA has indicated that parking for the development can be accommodated within the existing car parks - however it does result in them operating at near capacity. There are currently proposals considering a parking strategy for the whole of North Ayrshire, which may involve a management strategy. Also there are proposals to create a long term parking area for the town centre off East Road. Both of these proposals will enhance the parking availability for the town centre. The TA has also demonstrated, using the Grontmij survey, that there is spare on-street parking capacity within the adjacent nearby streets. Restrictions can be introduced should on-street parking cause an issue and managed restrictions may be considered within the overall parking strategy. It has also been recommended that consideration is given to providing electronic parking signage. The latter matter can be controlled by a suitable planning condition applied to any planning permission. Any right of access issues are a legal matter for the applicants to address.

- (f) The General Policy within the draft Local Development Plan states that any development should, in relation to neighbouring properties, have regard to privacy, sunlight and daylight. This would not be the case for properties on East Road, who would be looking onto a metal and glass monstrosity, given the height and materials used. They would have no 'view' and daylight and sunlight could be restricted.

**Response** – See Analysis where the summary assessment of the impacts of the development, against the Development Control Statement (DCS) of the adopted Local Plan, which is largely similar to the General Policy within the emerging modified Local Development Plan, is undertaken.

- (g) The proposal does not conform with Policy BE1 (Development in Conservation Areas) or Policy BE2 (Development adjacent to Conservation Areas) and it is considered that the proposals are probably the most inappropriate development to be put forward in Irvine since the 1960s and should be thrown out.

**Response** - *The proposals are assessed below against policies BE1 and BE2, and are considered compliant. It should be noted that only the proposed car park is located outwith the Conservation Area.*

- (h) The proposal does not conform with Policy BE3 (Demolition in Conservation Areas) in that there is no acceptable comprehensive redevelopment proposal.

**Response** - *The consideration of the proposals are found to accord with Policy BE3 (see Analysis). Historic Scotland have been consulted and whilst they express their regret at the loss of the buildings proposed for demolition, they advise that the wider benefits of the proposals provide justification for their loss. This is considered to confirm that a suitable redevelopment proposal has been demonstrated.*

- (i) The future use of the Townhouse is unclear.

**Response** – *The Townhouse is located within the identified town centre where a wide range of uses are acceptable in principle in terms of the Local Plan. It is considered that the proposed uses as halls, galleries, library, and educational facilities, are all Class 10 (Non-residential Institutions), which are acceptable.*

- (j) The proposal does not conform with Policy BE5 (Listed Buildings). Paragraph 13.14 of the adopted Local Plan states that “The Council will protect listed buildings that are under threat from neglect or insensitive unauthorised alterations”. Paragraph 13.15 states “The Council shall seek to secure necessary repairs to Listed Buildings to maintain buildings in a satisfactory condition and shall take action against owners where individual buildings are under threat through neglect or insensitive unauthorised alteration”. Who can take action against NAC for neglecting the Townhouse for so long?

**Response** - The proposals are assessed below against policy BE5 and are considered compliant. As can be seen from the above planning history a number of temporary remedial repair exercises have been undertaken by consents in 2006 and 2010. It is not considered that the Townhouse is at threat through neglect or has been subject to insensitive unauthorised alteration. The current proposals include significant repairs to the listed building which respect its architecture and building materials and would largely result in the restoration of the original architectural integrity.

- (k) The proposals does not reflect favourably with Policy BE6 (Listed Building Restoration) as they do not address the listed criterion.

**Response** – It is not considered that policy BE6 is relevant in this instance, as the principle of the associated leisure centre is acceptable in this town centre location. As such no assessment of the proposals against BE6 is required.

- (l) The leisure centre is not fit for purpose, with the offered facilities already found in Irvine or Neighbouring towns. There is no ice skating facility; the swimming pool is not large enough for galas and does not have enough spectator seating; the proposed sports hall will be restricted in its use; indoor bowling will not be facilitated; it appears that gymnastics events, dog shows and audience related events will not take place, denying many residents of what has been, and should be, their selected pastimes.

**Response** – The uses proposed are considered acceptable in principle within this town centre location. No assessment of the level or type of facilities, relative to 'need', or their duplication with other facilities is necessary in the consideration of these applications.

- (m) The proposal does not conform with Policy A1 (Non-conforming uses not otherwise provided for by any policy in the Local Plan).

**Response** - It is not considered that policy A1 is relevant in this instance, as the principle of the proposals are acceptable in this town centre location and assessment against other policies can be provided. As such no assessment of the proposals against A1 is required.

- (n) It is concluded that if NAC pass this application they will have broken almost every policy in the Local Plan, which was introduced to protect North Ayrshire and its residents from this type of development.

**Response** – *A full assessment of the proposals against all the relevant development plan policies is set out below.*

## **Consultations**

- 2.5 **Historic Scotland (HS)** – Advise that their comments relate specifically to the demolition of the existing buildings and the impacts of the development on the character of the Townhouse and the war memorial.
- 2.6 HS consider that the loss of the unlisted buildings on the site will be regrettable, although the arguments put forward in favour of the overall project are noted. It is advised that if NAC's decision is that the benefits of the overall scheme outweigh the presumption in favour of the retention of historic buildings, HS will accept that decision.
- 2.7 The content of the supporting reports is noted, in particular the case made that the overall benefits of the development outweigh the potentially detrimental impact of the enabling works required. As well as the stated benefits relating to the continued regeneration of Irvine town centre and the associated heritage benefits likely to arise, the most notable is the complex and large-scale repairs to the Townhouse. HS look forward to being involved in the detail of these repairs. The proposals include the exciting opportunity to restore the main hall as a civic space.
- 2.8 Some of the existing buildings on the site are of interest. As elements of the historic townscape they make a significant contribution to the character of the conservation area. This refers specifically to the former police station and associated buildings and the former school. It is accepted that the contribution made by the remaining buildings is minimal. The positive contribution of these buildings leads to a presumption against their demolition. However, taking into account the detailed justification that has been provided in terms of the overall benefits of the scheme, HS is satisfied that the case can be made for demolition.



- 2.9 The specific proposals for the Townhouse are noted and HS is content with the range of work required to enable the continued use of the building. More detail of these works is required, and HS look forward to discussing these as the project progresses. For example, it is suggested that the continued restoration of the hall should be based on careful research of paint colours and HS would be happy to provide detailed technical advice.

**Response:** *It is noted that HS expresses regret at the loss of the buildings proposed for demolition, but that the wider benefits of the proposals provide justification for their loss. This response is considered to confirm that there is a suitable redevelopment proposal.*

- 2.10 The detailed works required in the repair and restoration of the Townhouse can be reserved by a suitable condition applied to any planning permission and listed building consent. An informative can also be applied advising the applicants to contact Historic Scotland in the formulation of these details.
- 2.11 **West of Scotland Archaeology Service (WoSAS)** – The site is within the archaeologically sensitive core of Irvine. The proposed development will affect the centre of the old town where, despite later development activities, evidence of the early occupation and subsequent growth of the domestic and business life of the medieval town may survive. As well as many medieval burghage plots (individual narrow strips of rented land fronting the main streets), the development area includes the sites of the medieval Tollbooth, Market Cross, a late medieval Meal Market building and other historically attested structures. Due to the limited historical information available only by archaeological investigation can understanding of the early development of Irvine be achieved. Any archaeology surviving may be the only remaining opportunity to provide new information on early periods of settlement. As such the application raises potentially highly significant archaeological issues.
- 2.12 Scottish Planning Policy and Planning Advice Note 2/2011 seeks to ensure that developers arrange for the archaeological issues raised by their proposals to be adequately addressed, at as early a stage in the development process as is feasible. In this regard since 2010 the agents have engaged with WoSAS and considerable progress has been made in relation to potential issues. The appointment of archaeological contractors has seen a reasonable assessment of the heritage impacts and the scoping of mitigation measures which might be justified in planning terms. Early archaeological works were agreed with WoSAS, and have partly been acted upon, in order to advance the information gathering required.

- 2.13 At an early stage a comprehensive archaeological Desk-based Assessment (DBA) was produced, however, delays in implementing the agreed programme of initial phases of archaeological fieldwork has resulted in insufficient archaeological information having been gathered to allow the potential archaeological issues to be addressed prior to the Council's Planning Committee considering the application.
- 2.14 Recent evaluation works have found, in places, the undisturbed ground floor surface of early modern structures. This raises the possibility that more significant deposits or building remains, constituting significant archaeology, may survive in areas of the application site. To address this issue targeted research objectives have been agreed, and a hypothetical strategy of phased fieldwork, which could be carried out should planning consent be granted, has been agreed in principle. This comprises a proposed Written Scheme of Investigation (WSI) for archaeological works. It is advised that this WSI will be capable of addressing heritage policy objectives in a sustainable manner before or during the development. A suspensive condition, reflecting the principles outlined in PAN 2/2011 is recommended in this regard.

**Response** – *Noted. A suitable planning condition, based on that recommended by WoSAS can be attached to any planning permission and an informative can be applied advising the applicant to continue to liaise with WoSAS on this issue.*

- 2.15 **NAC Environmental Health (EH)** – Provide advice in relation to: contaminated material; air quality; and noise issues.
- 2.16 Contaminated material: the Contaminated Land Officer has advised that prior to the commencement of development 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, is undertaken. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet BS10175:2011, be verified by a suitably qualified Environmental Consultant and agreed with NAC Environmental Health. Thereafter any significant unsuspected contamination, discovered during development, shall be reported to NAC and treated in accordance with an agreed remediation scheme. On completion of works written verification, detailing what was done by way of any remediation, shall also be submitted.

- 2.17 Air quality: following the submission of a revised Air Quality Assessment (May 2013), responding to concerns raised by EH, with a subsequent addendum incorporating further modelling information, it is advised that the submitted information concludes that local air quality objectives will not be exceeded as a result of the development.
- 2.18 Noise: It is advised that, following detailed discussions between the applicants' noise consultant and Environmental Health, a final revision of the supporting Noise Impact Assessment was submitted on 15th May 2013. Having considered the information contained within the assessment the following comments are provided:
- The assessment confirms, in Section 8.3, that the reverberant music level within the sports hall requires to be limited to 86 dBA, to ensure that noise breakout arising from entertainment does not exceed the World Health Organisation guidance level of 50 dB at the nearest noise sensitive property. The assessment also confirms, in Section 8.1, that restricting noise levels to below 95 dBA may "seriously restrict the use of the space". It will be necessary therefore for the applicant to consider the proposed use of the sports hall and determine whether additional mitigation measures require to be incorporated into the design of the centre, to permit less restricted use.
  - All noise attenuation measures as specified in the report (or other measures of equal effect) require to be incorporated into the building to adequately reduce the noise from plant and machinery.
  - The noise impact assessment considers the effect of the development up to 11pm. Should it be the intention to have any event which involves loud activities beyond this time then further works to mitigate the effects of noise may be required.

Environmental Health close by advising that the above comments should be brought to the attention of the applicant.

**Response** – Noted. Suitable conditions and notes can be applied to any planning permission in respect of the contaminated land issues raised. In relation to noise suitable conditions and notes can be applied to any planning permission: limiting reverberant music level within the sports hall to 86 dBA; requiring that all noise attenuation measures, as specified in the report (or other measures of equal effect), shall be incorporated into the building to adequately reduce noise levels at nearby sensitive property. The incorporation of such measures shall be confirmed by a suitably qualified person, prior to the first use of the premises. Otherwise it is noted that the supporting noise impact assessment is based on the assumption that Leisure Centre normal operations do not go on past 2200 hours and that functions in the Leisure Centre Sports Hall do not go on past 2300, that the Townhouse will be operational during day time only, and some plant items will operate 24 hours a day, 7 days a week.

2.19 **NAC Roads and Transportation (Roads)** – No objections subject to conditions. Advise that following requests for clarifications and further investigations an amended Transport Assessment (TA) was submitted. Observations on this revised TA detail works to be undertaken prior to the opening of the development, or earlier. The following conditions are recommended:

- Details of the works to the car park on east road;
- Details of the works to the layby (northbound) on High Street;
- Works to footways;
- Directional signage provision;
- Amendments to Traffic Regulation Order (TRO) for Bank Street and High Street, to allow use by cyclists;
- Advanced Stop Lines (ASL) at traffic signals on East Road;
- Provision of a TRO over two laybys adjacent to the development;
- Amendment of TRO for Bank Street and High Street to permit use by buses associated to the development;
- Provision of electronic real time bus and train information within the leisure facility;
- Directional signage to and from nearby car parks and rail station to be provided.

It is also recommended that electronic car park signing is considered as part of the development.

**Response** -Noted. Suitable conditions and notes can be applied to any planning permission in respect of the matters detailed.

- 2.20 **NAC Access Officer (AO)** – Given the close proximity of the site to the Core Paths and National Cycle Network and the proposal to develop Irvine as a Cycle Friendly Town, it would be beneficial if appropriately sited cycle parking facilities to accommodate 10% of the peak visitors and staff numbers could be provided. Furthermore the production and implementation of a travel plan and installation of strategic signage between the Leisure Centre, path networks and transport hubs active and public transport are viable and attractive options to the Centre. These could be addressed through a planning condition and would accord with the policies TRA2 (Walking and Cycling) of the adopted Local Plan and PI1 (Walking, Cycling and Public Transport) and Policy PI4 (Core Paths Network) of the emerging LDP.

**Response** – *These matters can be addressed by suitable planning conditions. An informative can be applied advising the applicant to continue to liaise with the Access Officer on these matters.*

- 2.21 **NAC Streetscene** – advise that the hard and soft landscape proposals are satisfactory. Surfaces relate well to wider streetscape works in the town centre, such as at Bridgegate. There are reservations in relation to the proposed seating, relating to colour and design. It is noted that no on-street provision for litter bins is indicated. In relation to Soft Landscaping there is insufficient detail to identify the maintenance requirements. Some comment in relation to indicative proposals and species are provided. No comment on Fences, Gates & Bollards can be provided as no details are evident, other than a brief description.

**Response** - *A suitable condition can be applied to any planning permission and also an informative advising that further details on these matter be submitted for approval.*

- 2.22 **Sportscotland** – Advise that as Sportscotland are not statutory consultees they have no comments on the proposed application.

**Response** - *Noted.*

- 2.23 **Strathclyde Partnership for Transport (SPT)** – Comment of the following issues:

- 2.24 Loss of the bus stand on High Street opposite the entrance plaza: it is advised that this stop provides a bus layover point to assist service reliability through the town centre. It is SPT's position that this stop should not be removed. Should this not be possible a new bus layover point should be provided at a suitable location within the town centre and a planning condition should address this matter.

Traffic circulation: it is pointed out that access to the proposed drop-off lay-by to the front of the entrance plaza is restricted by traffic orders. As such the provision of this facility is questioned, as amendments to those existing Traffic Regulation Orders will be required. Any such amendments could have an adverse effect on the quality of bus service provision in the area and particularly bus journey time reliability.

Public transport information provision: real time bus information should be provided within the development, to provide public transport information to users. A planning condition should address this matter.

Cycle parking: the provision of cycle parking within proximity to the entrance is welcomed. However, the location on the paved area adjacent to the junction of High Street and East Road should be reconsidered to bring it closer to the entrance plaza.

Continued bus operations in the area during construction period: High Street and East Road are busy bus routes and it is requested that roads remain open as operational bus routes throughout all phases of development. A planning condition should address this matter.

***Response – Noted. A suitable condition can be applied to any planning permission requiring that adequate bus layover facilities are retained in the locality, an informative can be applied advising the applicant to discuss the design and location of such facilities with SPT.***

- 2.25 In relation to the amendment of the existing TRO NAC Roads advise that amendments can be promoted, but that the TA has indicated that there are measures that can be used to accommodate bus turning without relying on the TRO being amended.
- 2.26 A condition can be applied to any planning permission requiring that adequate provision of real time public transport information is available within the proposed leisure centre, the details of which shall be submitted to NAC for approval, an informative can be applied advising the applicant to discuss the design and location of such facilities with SPT.

- 2.27 The location of cycle parking can be controlled by a suitable condition, an informative can be applied advising the applicant to discuss the design and location of such facilities with SPT and NAC's Access Officer.
- 2.28 A condition can be applied to any planning permission requiring that the means of facilitating suitable operational bus routes during the construction period, the details of which shall be submitted to NAC for approval, an informative can be applied advising the applicant to discuss the design and location of such routes with SPT.
- 2.29 **NAC Flood** – Advise that the Drainage Strategy Report is considered satisfactory and that a copy of the revised DIA is requested for review.

**Response** – *A DIA can be required to be submitted for review and approval, by a suitable planning condition, all prior to the commencement of development.*

- 2.30 **SEPA** – No objection. It is advised that the applicant contact Scottish Water in relation to foul and surface water drainage connections to the public sewerage system. In relation to 'air quality' it is advised that the Council should satisfy themselves that the cumulative impact of the development does not prejudice any objectives in an air quality action plan, if the area is declared an Air Quality Management Area (AQMA) in the near future. SEPA expects the Council to implement mitigation measures such as ensuring that idling buses are restricted, to negate further impact on air quality within the locality. In relation to 'Waste' comment is made that the Council's needs in relation to separation and collection of waste are incorporated into the design of the development. Guidance is also given in relation to pollution prevention and other regulatory requirements and good practice.

**Response** – Noted. Informatives can be attached to any planning permission requiring that the applicants contact: Scottish Water in relation to foul and surface water drainage connections; and SEPA in relation to pollution prevention and other regulatory requirements and good practice. The issue of air quality is discussed in the consultation response from NAC Environmental Health and within the assessment against criterion (b) Amenity, of the DCS. How the development has addressed the Council's requirements in relation to waste are discussed in the consultation response from NAC Waste.

- 2.31 **Scottish Water (SW)** – No objection. Advise that the applicant will require a Licensed Provider to act on their behalf for new water and waste water connections. That to avoid potential for impact on Scottish Water infrastructure, liaison with the SW networks team should take place.

**Response** – *Noted. An informative can be applied advising the applicant to discuss new water and waste water connections and potential for impact on Scottish Water infrastructure with Scottish Water.*

- 2.32 **NAC Economic Development** - advise that:

- the current retail vacancy rate, within Irvine town centre runs at 10%. The new centre offers opportunities for retail activity that would indirectly lead to new businesses locating within the town centre that helps further reduce the overall retail vacancy rate;
- Irvine currently suffers from a 37.6% leakage in retail expenditure to three other neighbouring areas, Kilmarnock, Ayr and Glasgow (source Experian Ltd 2012). The new centre will act as a key attraction that will encourage people to visit. This will directly benefit existing retailers and will reduce the overall retail leakage;
- the new centre will help bridge the perceived disconnect between the supermarket led retail parks, the Rivergate shopping centre and the historic core and high street areas by attracting people back to the town centre;
- the new centre, by changing perceptions of Irvine will potentially impact on the enterprise area and play a supporting role in attracting mobile investment by virtue of helping to address key lifestyle factors that will be important to companies looking to locate to North Ayrshire;
- North Ayrshire has 43 SIMD data zones falling within the 15% most deprived in Scotland. Of these 43, 14 are in Irvine (33%). There are 9,517 people living in these areas accounting for 4,960 households. By virtue of its town centre location, the new centre will be easier to access by people who do not have cars and rely on public transport. This will directly benefit the town centre as a whole and the businesses located there.

**Response** – *Noted. These points are wholly relevant in respect of the 'Regeneration' issues, which are a material consideration.*

- 2.33 **NAC Estates** – No comments.



- 2.34 **NAC Cleansing** – Provide advice on waste disposal and the access requirements for refuse vehicles.

**Response** – *Noted. A suitable informative can be applied advising the applicant to discuss these matters with NAC Cleansing and NAC Roads.*

### **3. Analysis**

- 3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions by planning authorities shall be in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan comprises the Ayrshire Joint Structure Plan (AJSP) and the North Ayrshire Local Plan (excluding Isle of Arran) (NALP). North Ayrshire Council's prepared draft Local Development Plan (dLDP) is also a material consideration. Given the fact that both the NALP and the LDP continue the strategy and themes of the AJSP it is not considered necessary that a direct assessment of the proposal against the AJSP is necessary. The site is located within an area allocated as Town Centre purposes in the adopted North Ayrshire Local Plan (excluding Isle of Arran).
- 3.2 The main material consideration is the regeneration benefits derived from the proposed development. It is advised that the application site was selected by North Ayrshire Council as the location for a new leisure centre, from a list of five considered options. This included a Cost Benefit Analysis undertaken by the economic and social consultants Ekos Ltd in 2010.
- 3.3 In March 2011, following further analysis of: Financial Impacts, Economic Regeneration Benefits, Environmental Impacts, Transport & Infrastructure Issues, and Planning and Construction/Design Considerations, the Magnum Steering Group agreed that the Police Station/Townhouse site should be pursued as the preferred option for the new leisure facility given the potential regeneration and economic benefits the development would have on the town centre.
- 3.4 The proposal under consideration is part of a major £34m programme of investment in Irvine town centre by North Ayrshire Council and IBRC which will reposition the perception of the town centre, contributing to the creation of a better and more prosperous Irvine. The development is advised to have the following principal benefits:

- It will increase town centre footfall through an additional 450,000 visitors per annum and will bring associated spend and economic impact for local shops and services. It has been estimated that the additional benefits of this location GVA of £1.5m and additional annual spend in the town centre of c.£500,000;
- The new Leisure Centre will attract people to the town centre throughout the day, and in particular contribute to the evening economy. There is a recognition of the changing nature of town centres and competition for retail spend from out of town and internet shopping, and the need for alternative uses to bring people into town centres;
- The site selected will encourage increased use through the potential for linked trips by town centre employees, shoppers, residents or those who are 'in the town anyway'. Use will also be encouraged by the number of people resident within walking distance of the site. Approximately 7,600 residents are within 800m or a 10 minute walk compared to around 1,000 residents at the existing site, while numerous bus services pass the site;
- The development will help to reconnect the new and old town by providing a major destination within the east of the town centre. It is also noted that NAC are committed to providing additional long stay town centre parking at East Road;
- The proposal will see the redevelopment of a high profile and central brownfield site which acts as a gateway to the town centre. Its existing appearance comprising of vacant plots and poorly maintained buildings detracts from the overall appearance of the town centre;
- The development will incorporate the re-siting of the War Memorial close to its original setting directly in front of the Townhouse allowing additional memorials to mark post WWII conflicts.

3.5 The proposals are seen as a major development proposal which will change the existing role and function of this part of the town centre, reversing the trend of losing major town centre uses to out of centre locations.

3.6 The relevant Local Plan policies, namely, TC1 (Town Centres) and TC4 (Development Sites). Other relevant policies are: TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), TRA9 (Car Parking), TRA10 (Taxis), TOU3 (Tourist Facilities within Settlements), OS1A (New and Upgraded Leisure and Recreational Facilities), ENV16 (Contaminated Land), BE1 (Development in Conservation Areas), BE2 (Development Adjacent to Conservation Areas), BE3 (Demolition in Conservation Areas), BE5 (Listed Buildings), BE10 (Archaeological Sites), BE13 (Art in the Community) and BE14 (Design Guidance). The application also requires to be assessed against the relevant Development Control Statement criteria.

- 3.7 As the proposal is principally for an assembly and leisure (Class 11) development, including associated/ancillary Class 10 (Education / Museums / Galleries / Libraries / Public halls / etc) and Class 3 (Food and Drink) uses, in an area identified as a 'Town Centre' in the Local Plan map, it accords with Policy TC1, which supports the provision of such uses.
- 3.8 TC4 relates to identified development sites and has various criterion which should be complied with. Assessment against these criteria is as follows:
- Seeks compliance with TC1 and TC2. As discussed above the proposal complies with TC1. TC2 is not relevant, as the site is not within the core shopping area;
  - Is not relevant, as although the proposal is a commercial leisure development it would not result in the replacement of any retail units;
  - This criterion requires that the development is designed to a standard which will enhance the amenity of the town centre and is of a size and design in keeping with adjoining properties. In this regard there is detailed discussion on the design and size of the proposed development and how this affects both the amenity of the town centre and neighbouring property within the assessment associated to Policies BE1 (Development in Conservation Areas), BE2 (Development Adjacent to Conservation Areas), BE3 (Demolition in Conservation Areas), BE5 (Listed Buildings), BE14 (Design Guidance) and criteria (a) and (b) of the DC Statement;
  - This criterion is not applicable, relating only to Harbour Street/Harbour Road, Ardrossan
- 3.9 It is considered that the development accords with Policy TC4.
- 3.10 Policy TRA1 (Strathclyde Passenger Transport) requires, by part 'B', that all significant development proposals demonstrate that account has been taken of public transport provision and that developer contributions may be sought to secure improvements required in association to significant new developments.

- 3.11 Given the location, within Irvine town centre, there is a significant level of public transport services available in close proximity to the development site. NAC Roads and SPT advise that matters associated to public transportation issues has been undertaken and that suitable conditions can be applied to address matters associated to public transport, including that adequate bus layover facilities are retained in the locality; adequate provision of real time public transport information shall be available within the proposed leisure centre; and suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. An informative can be applied advising the applicant to discuss these matters with SPT. Given this it is considered that the development accords with Policy TRA1.
- 3.12 The needs of walkers and cyclists have been considered and subject to the inclusion of suitable planning conditions relating to: cycle parking, a travel plan and appropriate signage, the proposals are considered to comply with TRA2. NAC Roads advise that subject to identified infrastructure improvements, detailed within the revised TA, the development is widely accessible to all modes of transport, a condition can be applied to ensure these infrastructure improvements are implemented. NAC Roads also advise that maintenance issues associated to footway infrastructure shall be addressed through routine maintenance with improvements carried out as part of the proposals.
- 3.13 TRA9 (Car Parking) states that the Council shall review the provision and management of parking throughout North Ayrshire to ensure that the requirements of different locations are met, including an adequate supply of spaces within the Town Centres for short-term visitors and shoppers. In this regard detailed analysis in relation to the issue of parking has been undertaken and NAC Roads advise that North Ayrshire Council are considering a Council wide parking strategy.
- 3.14 By way of background NAC Roads advise that the revised TA has indicated that parking for the development can be accommodated within existing car parks, although they would be operating at near capacity. In addition, NAC are considering a parking strategy for the whole of North Ayrshire, which may involve a management strategy. There is a proposal to create a long term parking area for the town centre, off East Road. NAC Roads advise that both of these proposals will enhance the parking availability for the town centre. It has also been recommended to the applicant that consideration is given to providing electronic parking signage.

- 3.15 TRA10 (Taxis) requires that suitable locations for taxi ranks are identified in association to major leisure facility proposals, to meet the needs of the community. Again detailed analysis in relation to the issue of access and parking has been undertaken and NAC Roads advise that there is an established taxi rank for Irvine Town Centre nearby the facility. No further recommendations are made.
- 3.16 The proposals accord with TOU3 (Tourist Facilities within Settlements) which supports proposals for the development of tourist facilities within town centres .
- 3.17 The proposals accord with OS1A (New and Upgraded Leisure and Recreational Facilities) which supports, in appropriate locations, the provision of new sports and recreational facilities to expand and improve the range available to local people.
- 3.18 ENV16 (Contaminated Land) requires that contamination is appropriately dealt with in the development process. NAC Environmental Health has been consulted and recommend that issues associated to contamination are investigated in advance of any development taking place and that any required works are agreed with them. Otherwise any unsuspected contamination encountered should be satisfactorily dealt with. Thereafter written verification of any remediation shall be submitted for their records. These matters can be addressed by suitable planning conditions and notes attached to any planning permission.
- 3.19 BE1 (Development in Conservation Areas) states that proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area, including its setting, buildings, open space and trees, shall not accord with the Local Plan. The proposed development has two distinct elements: 1. The refurbishment of the Townhouse and the relocation of the War Memorial; and 2. The development of a new leisure centre building and ancillary works.
- 3.20 In relation to the works to the Townhouse and War Memorial it is considered that the proposals will have a significantly positive effect on the visual amenity and historical / architectural character of a conservation area and is thus fully supported by BE1. Historic Scotland have been consulted and, subject to a condition requiring additional detail on the works to be undertaken, are content with the range of works proposed.

- 3.21 The development of the leisure centre sees a building where the form has been heavily influenced by its content and function. Its impact on the visual amenity and historical / architectural character of the conservation area will be positive. As noted in relation to the matters raised in the objections received, the scale, massing and relationship of the proposed building with the Townhouse and wider Conservation area has been considered by the architects, as noted in the supporting documentation. The context of the Townhouse within the townscape would remain as a prominent and central civic building, with important vistas and views retained. The proposed leisure centre would not overly dominate the Townhouse and would not overlay principle elevations. The overall height and setting back to form the civic square, as well as the light touch to the points of connection to the listed building are all positive design concepts. It is accepted that the extensive singular mass of the proposed building is different to the smaller masses and more broken structure of the other buildings in this part of Irvine, although it is not as high as some other buildings. However, it is noted that in order to achieve the level of facilities proposed the form of the building has largely been set by that functionality. It is also accepted that there is a strong contrast in the design and finish between the Townhouse and the proposed leisure centre. Extensive detail has been provided in relation to the finishes, however in order to retain control over the detail of the finishes, it is considered appropriate to attach a suitable condition to any consent requiring that full details, specifications and if appropriate samples are provided for approval. It has been shown that consideration has been given in relation to the setting of and design issues associated to the listed building and the position within the Conservation Area.
- 3.22 Historic Scotland note the case made, in the applicants submissions, that the regeneration benefits of the development, as noted above, outweigh any potentially detrimental impact. As well as noting that the proposals form part of a continued regeneration of Irvine town centre and the associated heritage benefits, the most notable of which is the complex and large-scale repairs to the Townhouse.
- 3.23 It is considered that the impacts of the development on the Conservation Area are outweighed by the benefits, noted above, that it would bring as part of the regeneration of Irvine town centre. In these circumstances, the above noted material considerations support the proposals.

- 3.24 In relation to BE2 (Development Adjacent to Conservation Areas), the car park area is located outwith, and is adjacent to the Conservation Area. It is considered that element of the proposals, which does not propose any significant change to what is an existing car park, will not have any significant impact on the architectural and historical character or wider setting of the Conservation Area. It is considered that the proposals comply with BE2.
- 3.25 BE3 (Demolition in Conservation Areas) states that the demolition of a building in a Conservation Area shall not accord with the Local Plan unless it is justified against three listed criteria. The criteria and an assessment against them follows:
- The building is of little townscape value; or
  - The structural condition of the building rules out its retention at reasonable cost; and
  - There is an acceptable comprehensive redevelopment proposal.
- 3.26 In relation to (a) it is considered that only the original parts of the former police station and the 'Annick Centre' are of any significant townscape value. Other buildings/structures, including the two dwellings are not of any special architectural or historic value. The loss of the 'significant' buildings is regrettable, but is required to deliver the regeneration benefits of the development of the leisure centre. Whilst it is not considered that the proposals comply with criterion (a), the material considerations provide justification for their demolition.
- 3.27 It been neither been demonstrated nor implied that the structural condition of the buildings of townscape value rule out their retention at reasonable cost. The demolition is necessary to enable the development of the leisure centre. Whilst it is not considered that the proposals comply with criterion (b), the material considerations provide justification for their demolition.
- 3.28 In terms of criterion (c), it is considered that the development of the proposed leisure centre, the refurbishment of the Townhouse and the relocation of the war memorial provide an acceptable comprehensive redevelopment proposal, given the regeneration benefits it would bring to Irvine town centre.

- 3.29 It is required that developers demonstrate that retention, restoration and sympathetic conversion to some other compatible use is not possible before proposals to demolish are accepted. Irvine Bay Urban Regeneration Company (IBURC) advise that the majority of the site has long been identified as a key development area and designated, within their Irvine Town Regeneration Plan of 2008, as the “Civic Quarter”. The core objectives for this area were to: 1. Stimulate the development of a major brownfield site; 2. Create a more positive image and gateway for Irvine; 3. Improve the quality and range of community facilities in Irvine; 4. Secure the repair of the listed Townhouse; and 5. Animate and diversify activity on the High Street. The evolution of these objectives, including a review of all key aspects of the urban and public realm and the future viability of the buildings, subsequently proposed the demolition of the buildings subject to the application for Conservation Area Consent.
- 3.30 Finally detailed plans for an acceptable replacement building should be available before conservation area consent is granted. The development of the proposed leisure centre, the refurbishment of the Townhouse and the relocation of the war memorial comprise an acceptable comprehensive redevelopment proposal.
- 3.31 If demolition is approved there is a requirement to record the buildings of interest under Sections 7(2) and 66(3) of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997, it is a statutory requirement that the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), must be given an opportunity to make a record of all buildings where Conservation Area Consent (CAC) for demolition has been granted. In most cases consent should be conditioned to require the applicant to notify RCAHMS at least 3 months before the start of works. The applicants have been advised of this requirement and RCAHMS are aware of the proposals, an informative can be attached to any CAC reminding them of this fact. A copy of any decision notice should also be sent to RCAHMS. Demolition can begin three months after the grant of consent, or sooner if RCAHMS has already undertaken a survey or indicated in writing that a survey is not required. North Ayrshire Council must also notify RCAHMS, should conservation area consent be granted.



- 3.32 BE5 (Listed Buildings) states that proposals for the development of a Listed Building or in its setting, which would have an adverse impact on a listed building or its setting or on any features of special architectural or historic interest shall not accord with the Local Plan. Proposals for alterations or extensions to a Listed Building should pay particular attention to the existing architecture and building materials of that Listed Building. The Council will encourage the restoration of the original architectural integrity of the building, where some of that integrity has been lost over the years.
- 3.33 Although the development of the new build element of the leisure centre would have an impact on the setting of the 'B' listed Townhouse, it is considered that the existing setting is of a poor quality, and that the proposal represents a significant improvement to the setting of that listed building. The proposal presents the opportunity to restore some of the original architectural integrity of the building, where some of that integrity has been lost over the years.
- 3.34 The proposed juxtaposition of the new building and the listed Townhouse has been considered in the design of the project. The design takes into account the setting of the building adjacent to the listed building and the location within the historic core of the town. The connection between the new build element and the listed building has been set well back from the principal elevation with a simple light touch where they physically adjoin each other. This approach, in conjunction with the change in finishing materials and design, results in an assertive contrast of the new, and less equal partner, to the old. This approach also sees a higher quality of design and finish than would be expected should the new build element have been a stand-alone building. It is clearly the intention that the new building is to play a subordinate 'visual' role and not dominate the Townhouse, in the main visual and townscape contexts.
- 3.35 The proposed alterations to the listed building take cognisance of the existing architecture and building materials and the works, both internally and externally, are considered to be a sympathetic restoration project. It is also important to note that much of the original architectural integrity of the building would be reinstated. This includes such items as: significant stonework repairs to the exterior; the removal of a prominent metal fire escape; and the removal of internal partitions and false ceilings. Where modern interventions are to be made it is considered that their design has been carefully considered in the wider context of the listed building and its architectural and historic value, however further details can be requested by a suitable planning condition.

- 3.36 It is also important to consider that the works to alter, repair and restore the listed building are, to an extent, the result of the proposed development of the leisure centre.
- 3.37 Given the above, it is considered that the proposals comply with the intentions of BE5.
- 3.38 BE10 (Archaeological Sites) requires that development proposals which may significantly affect sites of archaeological significance shall not accord with the Plan. Where the primary aim of preservation cannot be achieved, excavation and recording of the site shall be undertaken. Development should not proceed until suitable excavation and recording has taken place.
- 3.39 The West of Scotland Archaeology Service (WoSAS) have been consulted on the application and advise on the archaeological importance of the site, the content of Scottish Planning Policy and Planning Advice Note 2/2011. WoSAS have had discussions with the applicants since 2010, in relation to potential issues. In the opinion of WoSAS, the outcome has seen an assessment of the heritage impacts and the scoping of mitigation measures, which might be justified in planning terms. Early archaeological works were agreed, and have partly been acted upon, in order to advance the information gathering required.
- 3.40 A comprehensive archaeological Desk-based Assessment (DBA) has been produced; however, delays have seen insufficient archaeological information having been gathered to allow the potential archaeological issues to be addressed prior to the Council's Planning Committee considering the application.
- 3.41 Recent works have found, in places, the undisturbed ground floor surface of early modern structures, raising the possibility that more significant deposits or building remains, constituting significant archaeology, may survive in areas of the application site. Further targeted research objectives have since been agreed, and a hypothetical strategy of phased fieldwork agreed in principle. This comprises a proposed Written Scheme of Investigation (WSI) for archaeological work, which it is advised will be capable of addressing heritage policy objectives in a sustainable manner before or during the development. A suspensive condition, reflecting the principles outlined in PAN 2/2011, is recommended in this regard. An informative can be applied advising the applicant to continue to liaise with WoSAS on this issue.

- 3.42 BE13 (Art in the Community) an appropriate condition could address the consideration of the provision of art in the community. As such the proposal is acceptable in principle, in relation to Policy BE13.
- 3.43 BE14 (Design Guidance): requires that development proposals should conform to prepared guidance. In this regard there is the Council's 'Town Centre Design Guidance', which advocates a context driven approach to the design of new buildings, where designers need to consider not just the architectural style of buildings, but the way in which they are located to frame spaces and create streets and squares. All new development should contribute to successful regeneration – both through the provision of high quality accommodation and through the creation of attractive public spaces, which are well used and which can improve the setting of adjacent buildings. In this regard it is considered that, as is discussed above, the proposals have considered these matters in the design process.
- 3.44 A further element of the guidance advises that new development should be designed to relate well to its context through sensitive consideration of settlement pattern and its massing and proportions. While the accommodation requirements of the proposed leisure centre have largely dictated the mass and proportions of the new build element, clear efforts have been made to mitigate the impact of these. It is considered that the proposals comply with the aims of the design guidance and that material considerations provide justification for the proposals against BE14.
- 3.45 With regard to the Development Control Statement, an assessment of the relevant criteria follows:
- (a) Siting, Design and External Appearance – the issues of siting, design and external appearance have been considered above.
  - (b) Amenity – Noise issues are discussed in the consultation response from Environmental Health, where recommendations on noise limits, attenuation measures and that noisy activities are limited to before 11pm are made. Conditions can address the first two issues, whilst the latter is noted and could be controlled by Licensing or other means if required.

Due to the siting and layout of the proposed new build element, as well as the distance to neighbouring residential properties, there would not be any significant additional adverse impacts on residential amenity by reason of loss of privacy, sunlight or daylight.

Environmental Health do not advise of any potential issues associated to smell or fumes. Although it is considered appropriate to apply a condition relating to appropriate ventilation and odour control measures being incorporated. An informative can advise the applicant to contact Environmental Health to discuss appropriate measures.

Following detailed analysis and submission of reports Environmental Health advise that air quality issues are acceptable.

NAC Roads do not advise of any amenity impacts associated to vehicular and pedestrian traffic.

- (d) Access, Road Layout and Parking Provision - Detailed discussion on issues associated to access on foot, by cycle, by public transport and other forms of transport are detailed above in the: consultation responses from SPT, NAC's Access Officer and Roads and Transportation Team; and against Policies TRA1, TRA2, TRA9 and TRA10. Subject to the conditions discussed it is considered that the proposals comply with the requirements of criterion (d).
- (e) Water and Sewerage - Scottish Water do not object to the proposed development. Conditions could be imposed to ensure that the development incorporates appropriately designed SUDS and a note can be attached advising the applicant to contact Scottish Water regarding their advice to liaise with the SW networks team.

3.46 A final material consideration is the impact of the proposed development on flora and fauna. In this regard it is considered that the principal issues relate to fauna. There are no statutory designated sites within close proximity to the site and site habitats are limited to those favoured by birds and bats and providing bird nesting and bat roosting habitat.

3.47 The submitted 'Bat Roost Appraisal' found no evidence of bats on the day of the survey. However various recommendations are made relating: to raising awareness, of persons involved in the development, of the protection status of bats; actions to take if bats are encountered during works; and to undertake further investigations prior to demolition works. A suitable condition can be attached requiring that these recommendations are implemented.

- 3.48 Otherwise, the prime consideration is breeding birds, and it is recommended that site preparation is conducted outwith the breeding bird season (nominally March to August inclusive), alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected. A suitable condition can control such matters.
- 3.49 In conclusion, it is considered that this welcome project will deliver significant benefit to the town centre and deliver significant level of facilities to the benefit of the wider area. Planning permission, Listed Building Consent and Conservation Area Consent can therefore be granted subject to the conditions listed in Appendix 1.
- 3.50 Any requirement for a 'Stopping-up Order' to confirm the closure of 'Jail Close' as a public right of way can be progressed by NAC Legal Services.
- 3.51 Listed Building Consent, given it relates to a category 'B' listed building will require to be referred to Historic Scotland. The Conservation Area Consent application will be referred to Scottish Ministers for determination, given that North Ayrshire Council are both the applicant and Planning Authority. Demolition works are normally not to be implemented until such time as contracts are let in relation to the replacing development, which can be secured by a suitable condition.

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

- 4.1 See Appendix 1.



**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
27 May 2013

For further information please contact Kristian Smith, Senior Planning Officer , on 01294 324317.



## **APPENDIX 1**

### **RECOMMENDATION FOR CONSERVATION AREA CONSENT APPLICATION REF NO 12/00197/CAC**

Grant subject to (i) Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and (ii) the following conditions:-

1. No demolition works to the 'original' part(s) of the former police station and the 'Annick Centre' shall be undertaken until such time as contracts are let in relation to the hereby approved replacement leisure centre development. Details of such contracts shall be provided to North Ayrshire Council as Planning Authority in advance of demolition works.
2. Prior to any demolition works being undertaken to the 'original' part(s) of the former police station and the 'Annick Centre' the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS), Threatened Building Survey Unit, shall be permitted reasonable access to record the building, for at least 3 months following the granting of consent and the giving of notice to the Commission, during which time demolition may not be undertaken without the express consent of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme submitted for the written approval of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council.
4. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

5. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.
6. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
7. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

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

1. In the interests of the amenity of the Irvine Town Centre Conservation Area.
2. Requirements of Sections 7(2) and 66(3) of the Planning (Listed Buildings & Conservation Areas) (Scotland) Act 1997 and the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).
3. To meet the requirements of Environmental Health.
4. To meet the requirements of North Ayrshire Council as Roads Authority and Strathclyde Partnership for Transport.
5. To meet the requirements of Strathclyde Partnership for Transport.
6. In the interests of avoiding adverse impacts on wildlife.
7. In the interests of avoiding adverse impacts on wildlife.



## **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00046/PPM**

Grant subject to the following conditions:-

1. Prior to the commencement of the development hereby approved, full details of all external materials and treatments to be used in the construction of the leisure centre shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Such details shall include items such as: cladding, window frames, glazing panels, doors, roof coverings, walling materials, rooflights, rainwater goods, etc.
2. No development shall take place within the site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority.
3. Prior to the commencement of development a desk study of the application site, (including the review of any previous site investigations) shall be undertaken to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall meet the standard of BS10175:2011, be verified by a suitably qualified Environmental Consultant and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme submitted for the written approval of North Ayrshire Council as Planning Authority. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council.
4. Prior to the commencement of the use of the development, hereby approved, cycle parking facilities equating to a minimum of 10% of the peak levels of staff and visitors, shall be provided to the satisfaction of North Ayrshire Council as Planning Authority. Details of the location, specification and design of such cycle parking provision facilities shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

5. A "Current Footway Condition Survey" shall be undertaken, to a scope agreed in advance with North Ayrshire Council as Planning Authority prior to the commencement of the development hereby approved. Any necessary improvements' required to accommodate the use anticipated by the development and any repairs to footway construction, relating to damage occurring during the period of construction shall be undertaken to the satisfaction of North Ayrshire Council, all within a timescale agreed in writing with North Ayrshire Council as Planning Authority.
6. Prior to the commencement of the use of the development, hereby approved, a Travel Plan shall be prepared and submitted for the written approval of North Ayrshire Council as Planning Authority. Such a Travel Plan shall include active travel proposals for both staff and visitors and an associated signage strategy, as well as any measures to reduce car trips. The recommendations of any such approved Travel Plan shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan.
7. Prior to the commencement of development details showing that adequate bus layover facilities are retained in the locality shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.
8. Prior to the commencement of the use of the development, hereby approved, details specifying that adequate provision of real time public transport information shall be available within the proposed leisure centre shall be submitted to and approved by North Ayrshire Council as Planning Authority.
9. Suitable operational bus routes shall be maintained during the construction period, allowing continuous operation of the route throughout the development process, or a suitable agreed alternative. Details of these arrangements, inclusive of bus stops, shall be submitted to and approved by North Ayrshire Council as Planning Authority prior to any disruption to the existing arrangements.

10. Prior to the first operation of the hereby approved leisure centre full details of the following matters shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority: Full details of the works to the car park on east road; details of the amendments to the Traffic Regulation Order (TRO) for Bank Street and High Street, to allow use by cyclists and buses associated to the use of the hereby approved development, and a timescale for implementation thereof, or other suitable arrangements; provision of a TRO over two laybys adjacent to the development, and a timescale for implementation thereof, or other suitable arrangements; details of the provision of directional signage to and from nearby car parks and Irvine rail station; and, details of provision of directional signage to car parks within Irvine Town Centre, some of which may be electronic and detail space availability.
11. Prior to the commencement of development a revised Drainage Impact Assessment (DIA) shall be submitted to and approved by North Ayrshire Council as Planning Authority.
12. Prior to the commencement of the use of the development, hereby approved, detailed proposals showing how the provision of public art shall be integrated into the development shall be submitted to and approved by North Ayrshire Council as Planning Authority.
13. That prior to any demolition or site clearance works taking place, the recommendations of the submitted 'Bat Roost Appraisal' shall be set out in an implementation statement and submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter such approved statement shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
14. That all building, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.
15. Within 6 months of the date of this planning permission full details of the hard and soft landscaping, including: street furniture; litter bins; fences; gates and bollards, shall be submitted for the prior approval of North Ayrshire Council as Planning Authority.
16. Reverberant music levels within the sports hall shall be limited to 86 dBA, to ensure that noise breakout arising from entertainment does not exceed the World Health Organisation guidance level of 50 dB at the nearest noise sensitive property.

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

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

1. To ensure that the external finishes are compatible with the adjoining properties, including the listed Townhouse, and the location within the Irvine Town Centre Conservation Area.
2. In recognition of the archaeological significance of the site.
3. To meet the requirements of Environmental Health.
4. To meet the requirements of Policy TRA2 of the North Ayrshire Council (Excluding Isle of Arran) Local Plan and North Ayrshire Council's Access Officer.
5. Requirements of North Ayrshire Council's Access Officer and to comply with Policy TRA2 of the North Ayrshire (Excluding Isle of Arran) Local Plan.
6. Requirements of North Ayrshire Council's Roads and Transportation Service, and Access Officer and in line with Policy PI 1 of the North Ayrshire Council Modified Local Development Plan.
7. To meet the requirements of North Ayrshire Council as Roads Authority and Strathclyde Partnership for Transport.
8. To meet the requirements of North Ayrshire Council as Roads Authority and Strathclyde Partnership for Transport.
9. To meet the requirements of North Ayrshire Council as Roads Authority and Strathclyde Partnership for Transport.
10. To meet the requirements of North Ayrshire Council as Roads Authority.
11. Requirements of North Ayrshire Council as Flood Authority.
12. In the interests of amenity and to secure community involvement.
13. In the interests of avoiding adverse impacts on wildlife.
14. In the interests of avoiding adverse impacts on wildlife.

15. Requirements of NAC Streetscene.
16. In the interest of the amenity of the area.
17. In the interest of the amenity of the area.

Reason(s) for approval:

1. The proposal does not comply with the relevant provisions of the development plan, however other material considerations indicate otherwise and planning permission should be granted.

### **RECOMMENDATION FOR LISTED BUILDING CONSENT APPLICATION REF NO 13/00047/LBC**

Grant subject to (i) Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and (ii) the following condition:-

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

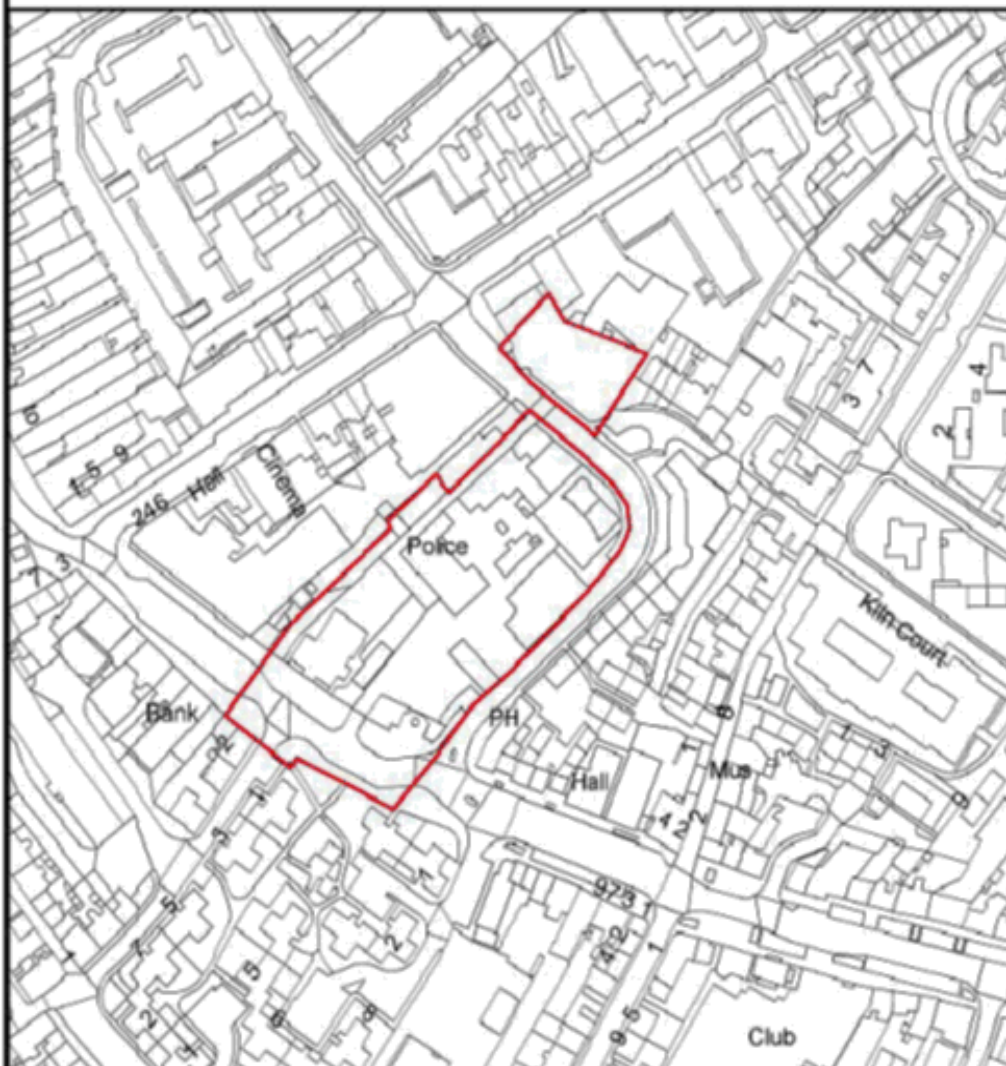
The reason(s) for the above condition(s) are:-

1. In order that the full detail of the works to the listed building are detailed and approved, to protect the architectural and historic character of the listed building.



# Committee Plans

12/00197/CAC & 13/00046/PPM & 13/00047/LBC



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

**Not To Scale**







---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 4.1**

Planning Committee

Planning Area

**5 June 2013****Garnock Valley**

Reference

**12/00526/PP**

Application

**25th September 2012**

Registered

Decision Due

**25th November 2012**

Ward

**Dalry & West Kilbride**

---

---

<b>Recommendation</b>	<b>Note that the application will be dealt with by Officers under delegated powers</b>
-----------------------	--

---

<b>Location</b>	Site to North of Baidland Hill Dalry
-----------------	---

<b>Applicant</b>	Community Windpower Godscroft Lane Frodsham Cheshire
------------------	---

<b>Proposal</b>	Extension to existing wind farm comprising of two additional wind turbines measuring 74.5m high to hub and 125m high to blade tip
-----------------	---

---

**1. Current Position**

Consideration of this application was continued at the meeting of the Planning Committee on 15 May 2013 following a motion that the application be remitted to Officers for determination under delegated authority. There being no amendment, the motion was carried. The Senior Planning Services Manager then requested that the item be continued to the next meeting to receive legal advice on the appropriateness of remitting the matter to Officers. Accordingly, the Committee agreed that the item be continued to the next meeting to receive legal advice on the appropriateness of remitting the matter to Officers. The original report is attached at Appendix 1.

Advice was sought subsequently on this matter from the Council's Head of Democratic and Administration Services, who advises that the application was within the category of decisions which could be dealt with under delegated powers. Equally that does not prohibit referral to Committee for determination if there are good reasons to do so. In this case the issue was one of transparency, in light of the fact that letters urging support for the application had been issued from two schools.

Having referred the matter to Committee, it is his view that Committee can decide that it should be dealt with under delegated powers. The fact that it has been before Committee has served the point about transparency. If the Committee then decide that they want officers to determine the matter, there is no reason why Officers should not determine it.

## **2. Proposals**

As the Planning Committee have decided that Officers should deal with the application under delegated powers, and as there is no legal reason not to do so, the application can now be determined by Officers. If there is any appeal, then, in due course, the appeal will come back to the Local Review Body.

For this reason, the Committee should have no further discussion on the application to avoid the possibility of Members expressing a view on the proposals, in advance of any Application for Review.



**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
28 May 2013

For further information please contact James Miller, Senior Planning Services Manager , on 01294 324315

---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 3.1**

Planning Committee

**15 May 2013**

Planning Area

**Garnock Valley**

Reference

**12/00526/PP**

Application

**25th September 2012**

Registered

Decision Due

**25th November 2012**

Ward

**Dalry & West Kilbride**

---

<b>Recommendation</b>	<b>Refuse for Reasons Contained in Appendix 2</b>
-----------------------	---

---

<b>Location</b>	Site to North of Baidland Hill Dalry
-----------------	---

<b>Applicant</b>	Community Windpower Godscroft Lane Frodsham Cheshire
------------------	---

<b>Proposal</b>	Extension to existing wind farm comprising of two additional wind turbines measuring 74.5m high to hub and 125m high to blade tip
-----------------	---

---

**1. Description**

This is an application for the erection of two further wind turbines, adjacent to the applicants' existing wind farms of Wardlaw Wood and Millour Hill, each of which contain six wind turbines. These turbines, and those of the adjacent Kelburn Wind Farm, create a grouping of 26 turbines, 12 of which are 125 metres high and the other 14 are 100 metres high.

The proposed turbines would be 125 metres high to blade tip with a hub height of 74.5 metres and each would have the potential to generate an output of 3 megawatts (Mw) and would be the same overall height as the applicants' 12 existing turbines.

Vehicle access to the site would be taken from the off-road haul route provided by the applicants within the previous developments. The applicants consider that the presence of site tracks within the existing development would result in a requirement for minimal additional access. The additional required tracks would be constructed using locally won stone by re-excavating in the location of their borrow pits for the original development and the existing construction compound at the existing site would be utilised to provide site offices, toilets and other facilities for construction workers.

As is usual in such a proposal, 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.

Scottish Planning Policy (SPP) of 2010 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 and the Ayrshire Joint Structure Plan (Policy Econ 7) provide general locational guidance in relation to wind farm proposals, collectively 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.

In terms of the North Ayrshire Local Plan (excluding Isle of Arran) adopted in 2005, renewable energy proposals require to be considered against Policy INF7 and also require to satisfy criteria similar to the above. Within the Local Plan the application site lies within a Countryside area, Sensitive Landscape Character Area (SLCA), and is within the boundary of the Clyde Muirshiel Regional Park (CMRP). The following Local Plan policies are relevant in the determination of the application: INF7 (Renewable Energy); ENV1 (Development in the Countryside); ENV5 (Sensitive Landscape Character Areas) and ENV5A (Clyde Muirshiel Regional Park).

The Ayrshire Joint Planning Units' (AJPU) Supplementary Planning Guidance (SPG) for wind farm development and the NAC Landscape Capacity Study for Wind Farm Development, both of October 2009, give advice on sensitive areas to be avoided by wind turbine developments and are material considerations in the determination of this application.

The application also requires to be assessed against the Development Control Statement of the adopted Local Plan which lists a range of criteria against which development proposals require to be assessed, and in this case are (a) Siting, Design and External Appearance, (b) Amenity and (c) Landscape Character.

Whilst the proposal does not comprise development in respect of which the Environmental Assessment (Scotland) Regulations 1999 apply, and therefore did not require an Environmental Statement (ES), the applicants have provided supporting information in the form of an Environmental Report (ER) which examines a range of topics similar to those required by a formal ES including the construction, operation, maintenance and decommissioning of the site; economic and community benefits; landscape and visual issues; and assessments of hydrology, noise, archaeology and other related issues. The general conclusion of the applicants' ER is that the proposed development would only have minimal impacts in relation to these issues and would result in an acceptable level of change in the landscape.

## **2. Consultations and Representations**

Due to the location of the proposed turbines, there was no statutory requirement to send notification of the application to neighbours of nearby properties. The application was advertised in the local press on 3 October 2012 for neighbour notification purposes.

A total of 3 letters of objection were received, from 2 members of the public and 1 from an opposition group. Statements of support for the proposed development were received in the form of 479 pro-forma letters from members of the public, which were collected and submitted by the applicants, 2 letters from community groups and 1 from a member of the public.

The main issues raised in the objection and support letters are summarised below.

### **Grounds of Objection**

1. The proposed development would result in the cumulative effect of too many wind turbines in the Garnock Valley Landscape and result in further adverse impacts on Clyde Muirshiel Regional Park. The approval of the proposed development would also establish a precedent for further incremental additions to the existing cluster of wind turbines at this location.

*Response - See Analysis.*

2. Object to the current methods used by the applicants to manage and distribute community benefits arising from their existing developments and their failure to comply with the Scottish Governments protocol in relation to entering information in the Community Energy Scotland Benefits Register. In any case Community Benefits should not influence the planning decision.

*Response - These are not material land use planning considerations. The applicants have confirmed that their two existing wind farm developments at this location are included in the Scottish Government Register of Community Benefits from renewables.*

3. Lack of consultation with the community on the current application.

*Response - The current allocation is a "Local Development" and accordingly did not require to undergo any statutory pre-application consultation. The application was advertised by the Council in the local press for neighbour notification purposes.*

4. Question the methods used by the applicants to secure community support for the proposed development and while it may be correct to say that there have been many visitors to their existing wind farm developments it is not correct to imply that all visitors approved of what they saw and then use the visitor numbers as a justification for further developments.

*Response - The methods adopted by the applicants to secure community support for the proposed development are not a material land use planning consideration. With regard to visitor number the applicants have not submitted this as a justification for the approval of the proposed development.*

5. The approval of this proposal could result in further applications for incremental additions to the existing 26 turbine cluster at this location.

*Response - See Analysis.*

6. The United Nations Economic Commission for Europe (UNECE) are currently considering a complaint regarding Scotland's renewable energy policy as approval of the current application would be irresponsible and premature in advance of their final ruling.

*Response - This is not a material land use planning consideration. The determination of applications on wind turbine developments remains with Scottish Local Authorities and Scottish Government.*

7. Questions of projected generation and emission reduction levels as justification for the proposed development.

*Response - These matters are not material land use planning considerations.*

8. Proposed development would further adversely impact on tourism jobs within the area claiming that they are aware of visitor opinions following the construction of the wind turbines within the Regional Park that they have become less attractive places to visit.

*Response – It is considered that the proliferation of wind turbines within the Regional Park could have an adverse impact on the visitor experience of the Regional Park.*

9. Concern that there has been no risk assessment of potential accidents that could occur at this development.

*Response - Safety issues have been used as grounds of objection for wind farm developments e.g. stability of towers, breakage of parts and icing of blades and significant wind throw. However it is generally accepted that these are rare incidents, which can be properly assessed through Health & Safety legislation.*

10. The applicants' track record for reinstatement of disturbed ground in relation to their existing developments is poor to date.

*Response - This is not directly related to the current planning application and it is noted that the objector's evidence submitted relates to a period in excess of two years ago and during which time the second wind farm was under construction. Conditions are attached to the original planning permissions and are routinely monitored for compliance.*

11. The proposed development would have an adverse impact on wildlife, habitats and pose a risk to watercourses.

*Response - These are issues which have been addressed in the applicants' ER. SNH and SEPA have not objected to the proposal.*

12. Concern regarding the effect of shadow flicker on neighbouring properties.

*Response - Shadow flicker is a characteristic of certain light conditions and separation distances from receptors. Shadow flicker calculations were undertaken for the other turbines within the existing wind farm developments at this location and it was concluded that they did not have an adverse impact on nearby properties. Only one residential property lies within the recognised buffer zone and neither of the two proposed turbines are closer to this property than existing turbines.*

13. The proposed turbines would have an adverse impact on airport radar systems.

*Response - BAA (Glasgow Airport) and NATS (En-Route) both object to the proposed development on the grounds of additional radar clutter.*

### **Reasons for Support**

1. Proposed turbines are in the same location as the other turbines and would appear as infill development and utilise the existing infrastructure.

*Response - The proposed turbines are in the same general location however the issue of cumulative impact has to be considered (see Analysis). The use of existing infrastructure would minimise environmental impacts, although additional site tracks would be required.*

2. The energy produced by the proposed wind turbines would contribute to the Government's renewable energy targets.

*Response - While they would contribute to renewable targets, the contribution has to be acceptable in relation to the considerations noted above.*

3. The applicants have been supportive of local community groups as result of their existing wind farm development and the current development if approved would provide additional community benefits.

*Response - This is not a material land use planning consideration.*



## **Consultations**

**NATS (En-Route)** - Object. The proposed development has been examined by NATS Technical and Operational Safeguarding Teams who have concluded that the proposed development would have an unacceptable technical impact on their radar.

*Response - Noted.*

**BAA (Glasgow Airport)** - Verbal objection on the grounds of adverse impact on Glasgow Airport Radar System.

*Response - Noted. Further assessments are being undertaken by BAA.*

**Infratil (Glasgow Prestwick Airport)** - No objection as long as the maximum height of turbines do not exceed 460m above mean sea level.

*Response - The information provided by the applicant indicates that one of the proposed turbines would be 4m above the threshold required by GPA. The applicant has subsequently advised that due to the sloping nature of the site of this proposed turbine its base could be formed at a lower level thereby ensuring that it did not project above the 460m threshold. A condition could be attached to the permission should the Committee agree to grant the application.*

**SEPA** - No objections. Advice has been provided to the applicant regarding a range of regulatory controls which would require attention by them should planning permission be granted.

*Response - Noted.*

**Environmental Health** - No objections subject to conditions being attached relative to controlling noise emissions from the proposed turbines.

*Response - Appropriate conditions could be attached should the Committee agree to grant the application.*

**NAC Roads & Transportation** - No objections, given that the delivery of large items of plant and equipment to the site would utilise the existing off-road haul route constructed for the original wind farm at this location.

*Response - Noted.*

**West Kilbride Community Council** - Object on the grounds of causing further visual intrusion in the landscape of the area resulting in a group in the excess of 25 turbines within a small area.

*Response - Noted. The additional two turbines would result in an expansion of the existing group to 28 turbines.*

**Scottish Water** - No objections.

**MOD** - No objections.

**SNH** - No objections

**Kilbirnie Community Council** - No objections.

**Dalry Community Council, Fairlie Community Council, Clyde Muirshiel Regional Park, RSPB** - No comments.

### **3. Analysis**

This proposal is for the erection of an additional two wind turbines at the applicant's Millour Hill Wind Farm together with the construction of associated access tracks, temporary crane pads and the re-use of existing borrow pits for excavation of stone for access track and hard standing constructions.

Section 25 of the 1997 Town & Country Planning (Scotland) Act requires the application to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The Development Plan in this case comprises the Ayrshire Joint Structure Plan of November 2007 and the North Ayrshire Local Plan (excluding Isle of Arran) of November 2005. Following the approval/adoption of these Plans, Supplementary Planning Guidance (SPG) for both these documents in the form of the Ayrshire Supplementary Planning Guidance on Wind Farm Development, and a Landscape Capacity Study for Wind Farm Development within North Ayrshire, was approved by the Council in November 2009.

The determining issues of this application is the assessment of the proposed development against the relevant policies of the Development Plan and the above SPG, and current Scottish Government Policy Guidance.

Scottish Government Policy Guidance on renewable energy is stated in the Scottish Planning Policy (SPP) of 2010 which expresses the Government's commitment to increase the amount of electricity generated from renewable sources as a response to climate change. It confirms a clear support for the development of wind farms stating that planning authorities should support their development in locations where they can operate efficiently, and where environmental and cumulative impacts can be satisfactorily addressed. It further states that Development Plans should provide a clear indication of the potential for wind farms of all scales, and should set out criteria to be used in determining proposed wind farm developments and extensions.

The SPP also recognises that the determining criteria will vary depending on the scale of the proposed development but would be likely to include assessment against a number of factors including: landscape and visual impact; natural heritage/historic environment; contributions to renewable targets; local/national economy, tourism/recreational interests; community benefits and disbenefits; aviation and telecommunications systems; noise; shadow flicker; and cumulative impact.

The SPP also requires Planning Authorities to set out spatial frameworks for on-shore wind farms within their Development Plans in order to identify (i) areas requiring significant protection due to national or international landscape or heritage designations, or where cumulative impact issues arise; (ii) areas with potential constraints where proposals will be considered on their individual merits against identified criteria; and (iii) areas of search where appropriate proposals are likely to be supported subject to detailed consideration against identified criteria.

It is considered that the two SPG documents prepared by the Ayrshire Joint Planning Unit and the Council adequately address the requirements of SPP in relation to the preparation of spatial frameworks.

Following earlier national policy guidance contained in SPP 6 of 2007, the Ayrshire Joint Structure Plan identifies two "Areas of Search" for large scale (generating capacity in excess of 20Mw) wind farm developments. The two areas identified in the Plan are located in South Ayrshire and East Ayrshire with no areas of search identified in North Ayrshire for such developments.

Policy ECON7 of the Structure Plan refers specifically to wind farm developments and states:-

- (A) In the Areas of Search, proposals for large and small scale wind farm developments will be supported subject to specific proposals satisfactorily addressing all other material considerations.

- (B) Areas designated for their national or international natural heritage value, and green belts will be afforded significant protection from large scale wind farms;
- (C) The integrity of national and international designations should not be compromised.
- (D) Cumulative impact will be assessed in all relevant places, taking into account existing wind farms, those which have permission and those which are the subject of valid and determined applications. The weight to be accorded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached the area will be afforded significant protection.
- (E) Outside the areas of search: all wind farm proposals will be assessed against the following constraints, any positive or adverse effects on them, and how the latter can be overcome or minimised:
  - (i) historic environment;
  - (ii) areas designated for their regional and local natural heritage value;
  - (iii) tourism and recreational interests;
  - (iv) communities;
  - (v) buffer zones;
  - (vi) aviation and defence interests;
  - (vii) broadcasting installations
- (F) Proposals affecting Sensitive Landscape Character Areas (SLA's) shall satisfactorily address any impacts on the particular interest that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets.
- (G) In all cases, applications for wind farms should be assessed in relation to criteria including, as appropriate, grid capacity, impacts on the landscape and historic environment, ecology (including birds), biodiversity and nature conservation, the water environment, communities, aviation, telecommunications, and, noise and shadow flicker.

In the Adopted Local Plan, Policy INF7 relate to proposals for renewable energy developments and requires such proposals to accord with a set of criteria, much of which are similar to those of the SPP and ECON 7 of the Structure Plan.

The following is an assessment of the proposed development against the relevant determining criteria of the Structure and Local Plan policies in terms of Policy ECON7 of the approved Structure Plan, and Policies ENV1, ENV5, ENV5A and INF7 and the relevant guidance from the two SPGs in relation to wind farms.

**Areas of Search:**

This is not relevant as the application site does not lie within any of the designated areas of search identified in the Structure Plan.

**National/International Designations:**

It is not considered that any areas designated for their national or international heritage value or other national or international designations would be significantly adversely affected by the proposed development. Whilst noting the proximity of the application site to the SPA and SSSI of Renfrewshire Heights, designated in the interest in its population of breeding hen harriers, the proposed turbines are located some 7-8km from the designated area and neither SNH nor RSPB have objected to the proposal.

**Cumulative impact:**

The issue of cumulative impact is considered to be significant in the determination of this application. There has been considerable interest from wind farm developers within this upland area which lies within Clyde Muirshiel Regional Park, and which is designated as a Sensitive Landscape Character Area. The existing cluster of 26 turbines at this location comprises of 14 turbines of Kelburn Wind Farm (100m high to blade tip) and the applicant's existing wind farm developments of Wardlaw Wood and Millour Hill which together have 12 turbines (125m high to blade tip). The Ardrossan wind farm, which lies some 5km to the south west of the application site, comprises 15 turbines (100m high to blade tip).

In addition to these existing large scale wind farm developments several other applications have been refused planning permission, including a proposed five turbine development at Kaim Hill, some 3km west of the application site, and a proposed 24 turbine development at Wings Law, some 5km north east of the application site. A proposed 29 turbine development at Waterhead Moor, some 6km north of the site, which was an application to Scottish Ministers under the Electricity Act, was subsequently withdrawn by the applicants.

The applicant is preparing the submission of an application for a five turbine development (150m high to blade tip) at Blackshaw Hill, some 4km to the south west of the application site, which has been the subject of a Scoping Opinion and the Pre-Application Consultation procedure.

The applicant considers that the proposed turbines represent an infill development within the cluster of turbines at this location. However it is noted that one of the turbines would be located some 340m to the south of the existing turbines and thereby separated from the group and forming a more intrusive feature in the landscape. While the current proposal for two additional turbines adjacent to the cluster of 26 turbines may be considered to be a relatively small increase, it has the potential, if approved, to set a precedent for other unjustified development. It considered the proposal would have an unacceptable cumulative visual impact.

**Sensitive Landscape Character Areas (SLCA's):**

The application site lies within a SLCA in the Structure Plan and is also designated as a Sensitive Landscape Area (SLA) in the adopted Local Plan, the boundaries of which coincide with that of the extent of Clyde Muirshiel Regional Park (CMRP) within North Ayrshire. Structure Plan policy ENV2b states that protection of the landscape shall be given full consideration in the determination of planning applications. Similarly, Schedule 1 of Strat1 (Sustainable Development) of the Structure Plan requires development to respect the landscape character of the area and ensure it would not lead to visual damage or intrusion.

Whilst the three existing wind farms which form the cluster at this location were granted planning permission against these Policies, the Reporter, in allowing the larger Kelburn wind farm to proceed on appeal, considered that while there would be a significant impact on the SLCA, the impact would be acceptable in terms of PAN 45 guidance. This guidance has since been revoked by the Scottish Government.

**Assessment of other Constraints for Developments outside the Areas of Search:**

Some of the constraints under this heading have been addressed in the Consultations and Representations Section of this report however the issues of Tourism/Recreation, Aviation/Defence, and Communities are discussed below.

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 two proposed turbines would represent a relatively small percentage increase in the number of turbines within this cluster, it is the potential for this development, if approved, to set a precedent for other similar extensions to it, the cumulative impact of which, is considered, would have an adverse impact on visitors to the area or the use of the regional park for general recreational pursuits.

In relation to Aviation/Defence interests, the MoD and Infratil (Glasgow Prestwick Airport) offer no objections to the proposals; objections have been received from NATS (En-Route) and BAA (Glasgow Airport) on the grounds of adverse impact on radar systems.

In relation to Communities, the guidance requires consideration of both positive and negative impacts on communities which may result from the proposed development. As considered above within the Consultations and Representations, the applicants have submitted a significant number of letters of support for the proposed development from members of the public, mainly on the grounds that the community has received a variety of community benefits from the applicants arising from the operation of their existing wind farms. Letters of support have also been received from two community groups who have also benefitted. Objectors to the proposed development have questioned both the applicant's current methods in distributing and managing community benefits, and their tactics used to gain community support for the current proposal. Notwithstanding the above, the issue of community benefit payments is not a material planning consideration. In terms of direct physical impacts of the proposed development on communities it is not considered that there would be any positive benefits in terms of land use planning considerations.

From the above it is considered that the proposal does not accord with the relevant criteria within Policy ECON7 of the approved Structure Plan, and Policies ENV1, ENV5, ENV5A and INF7 and the relevant guidance from the two SPGs in relation to wind farms. It is not considered that the proposed development conflicts with the other assessment criteria, including assessment against the AJPU SPG, which have not already been discussed.

The Council's SPG, "Landscape Capacity Study for Wind Farm Development within North Ayrshire" was prepared following the initial refusal of the proposed six turbine development at Millour Hill Wind Farm, and prior to the determination of the Kelburn Appeal. The aim of the Capacity Study was, as now advocated in SPP, to (i) provide advice on landscape and visual issues relating to wind farm development sited within North Ayrshire, (ii) identify areas where turbines could be located causing least visual intrusion and impact on landscape character, and (iii) where development would be unacceptable in terms of potential landscape and visual impact.

In view of the above, the Capacity Study concluded that there was some very limited scope for additional turbine development on the less sensitive lower eastern uplands, and that any development should clearly relate to the existing Wardlaw Wood turbines to achieve a more unified appearance. The applicants subsequently obtained planning permission for the six Millour Hill turbines, on the less sensitive area identified in the Study, effectively taking up the available capacity.

As the Kelburn and Millour Hill turbines are now operational, and which together with Wardlaw Wood create a cluster of 26 turbines, it was decided to undertake a review of the landscape capacity of this character area and also to provide an appraisal of the potential landscape and visual impacts of the proposed development.

The Council's Landscape Consultant considered the information provided by the applicant in support of the application. In relation to the Landscape and Visual Impact Assessment (LVIA), purportedly carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA), it was found to be of poor quality, lacking any meaningful analysis and not complying with the GLVIA guidance. The visualisations submitted by the applicant also do not comply with the guidance set out in the Visual Representation of Windfarms Good Practice guidance produced by SNH.

In relation to an assessment of visual impact arising from the proposed development the applicants Zone of Theoretical Visibility (ZTV) maps indicate that the proposed turbines will result in no additional visibility than that already incurred by the existing cluster of turbines. Visualisations were submitted from 4 viewpoints however it is considered that the LVIA provides scant analysis of the visual effects from each of these viewpoints but nonetheless concludes that there would be a "low magnitude of change". The Council's Landscape Consultant considers that additional viewpoints should have been used in order to carry out a proper assessment of the proposed development and, where a better relationship between the 2 proposed turbines and other nearby turbines could be better illustrated. In relation to the 4 viewpoints used in the submission, 2 of these viewpoints are more likely to be widely visible and seen by a greater number of people and both of the proposed turbines have a poor relationship with the existing turbines in these views and they would be more likely to exacerbate the 'stacking' of turbines. The southernmost turbine (T2) is likely to be more prominent than other turbines seen within the cluster in close views from the south-east. It was also noted that the environmental report submitted by the applicant made no assessment of Cumulative Landscape and Visual Impact and it was considered that the 2 proposed turbines, being sited on the edge of the existing turbines would result in cumulative effects, principally comprising the visual inter-action with the existing turbines.



In summary, the Landscape Consultant considers that the applicants Environmental Report is poor and does not focus on the key issues which are those of layout and the visual relationship of the two proposed additional turbines with the existing cluster of turbines at this location and how this may affect views in the surrounding area. The proposed turbines, being sited on the outer edges of the cluster in some views will contribute to the already congested appearance of the existing turbines evident in views from the eastern slopes of the Garnock Valley and from the B781. It is also considered that there may be additional impacts on other views in the area, although the applicants' minimal selection of only 4 viewpoints has not allowed thorough consideration of this issue, and on the basis of the submitted information it is recommended that the proposal should be refused on visual grounds.

In view of the above assessment of relevant policy criteria it is considered that the proposed development would (i) have both an adverse visual impact and cumulative visual impact, being located within a landscape character area which is identified in the Council's SPG as having limited capacity for further wind turbine developments due to the landscape and visual constraints already present within the character area; (ii) adversely impact on aviation radar systems; (iii) adversely impact on tourism and recreational interest and on the Sensitive Landscape Character Area of Clyde Muirshiel Regional Park; and (iv) set an undesirable precedent for further developments of this type at this sensitive location.

For the reasons given above, the proposed development is contrary to Structure Plan Policy ECON7 (Windfarms) and Local Plan Policies ENV1 (Development in the Countryside); INF7 (Renewable Energy); ENV5 (Sensitive Landscape Character Areas) and ENV5a (Clyde Muirshiel Regional Park).

It is recommended that planning permission be refused for the reasons contained within Appendix 2.

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

See Appendix 2.

A handwritten signature in black ink, appearing to read 'CH', is positioned above a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
9 April 2013

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

## **APPENDIX 2**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00526/PP**

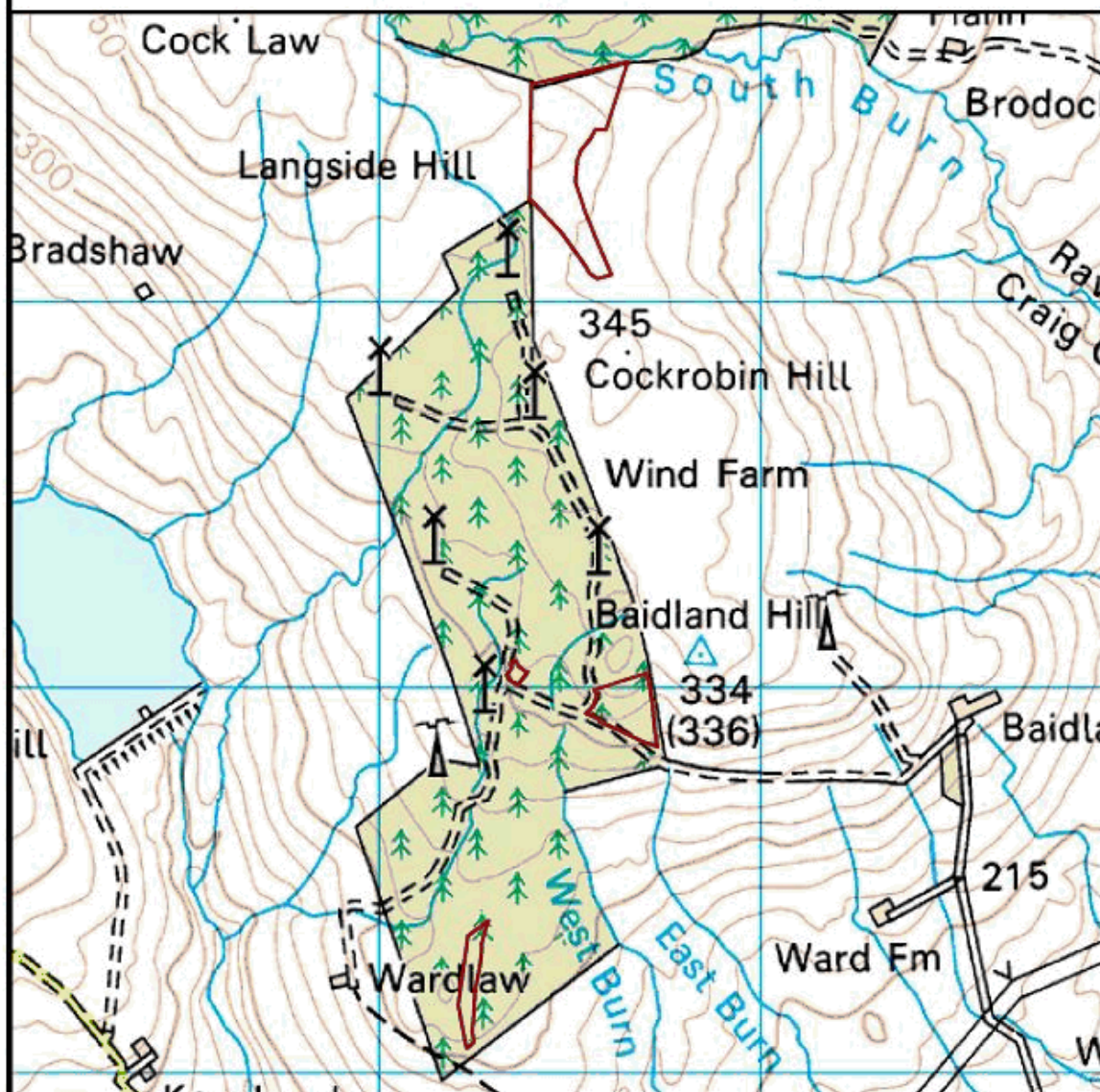
Refuse on the following ground:-

1. That the proposed development would be contrary to Policy ECON7 of the Approved Ayrshire Joint Structure Plan and Policies ENV1, INF7, ENV5, and ENV5A of the Adopted North Ayrshire Local Plan (excluding Isle of Arran), in that it would (i) have both an adverse visual and cumulative visual impact, to the detriment of the landscape setting of the area; (ii) adversely impact on aviation radar systems to the detriment of aviation safety; (iii) adversely impact on tourism and recreational interest and on the Sensitive Landscape Character Area of Clyde Muirshiel Regional Park; and (iv) set an undesirable precedent for further unjustified developments.



# Committee Plans

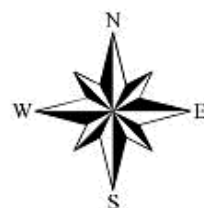
12/00526/PP



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

Not To Scale





---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 4.2**

Planning Committee

**5 June 2013**

Planning Area

**Garnock Valley**

Reference

**13/00262/ADC**

Application

**2nd May 2013**

Registered

Decision Due

**2nd July 2013**

Ward

**Kilbirnie And Beith**

---

<b>Recommendation</b>	<b>Refuse for the reason contained in Appendix 2, and agree to pursue enforcement action to effect the removal of the unauthorised signs and lighting</b>
-----------------------	---

---

<b>Location</b>	1 Bridgend Kilbirnie KA25 7BJ
-----------------	-------------------------------------

<b>Applicant</b>	Kilbirnie Dental Surgery c/o Nick Wright Planning 276 Main Road Elderslie PA5 9EF
------------------	---

<b>Proposal</b>	Erection of two halo lit fascia signs to side elevations and two externally illuminated trough fascia signs to front of dental surgery (retrospective)
-----------------	--

---

## **1. Description**

This is a retrospective application seeking advertisement consent for various signs to the front (south elevation) and side (east and west elevations) of 1 Bridgend, Kilbirnie. The property is a two storey building in use as a dental surgery. The property is located on the northern side of Bridgend, close to its junction with Muirend Street, within Kilbirnie Town Centre.

The proposals are the re-submission of an earlier application for advertisement consent (Ref: 13/00053/ADC). That application was withdrawn prior to being presented to the Planning Committee on 13th March 2013 with a recommendation for refusal and that enforcement action to secure the removal of the unauthorised signs be pursued. A supporting statement has been submitted explaining the reasons for the re-submission of the proposals.

The fascia signs have been erected on the front elevation of the building, approximately 3.5m above ground level at their highest point. The fascia signs measure some 2.5m in width by 0.5m in height. The western most fascia sign reads 'Kilbirnie Dental Surgery' and eastern most fascia sign displays the business telephone number. It is noted that the submitted drawing indicates that the two fascia signs display the same lettering, this is a drafting error and does not reflect the on-site situation. Both fascia signs are externally illuminated from above by separately installed trough lights. A halo lit sign has been installed on each side elevation of the property. These signs are in similar locations sited approximately 5.8m above ground level, at their highest points, and measure some 3m in width by 1.3m in height. The signs are halo illuminated from within, such that the lettering of the sign is illuminated. Both signs state the name of the business and its telephone number. Other signs on the premises, which do not form part of this application as they benefit from deemed consent by Schedule 4 of the Town and Country Planning (Control of Advertisements)(Scotland) Regulations 1984, are: a small board, adjacent to the entrance on the front elevation, giving opening hours and sign writing in the property's windows at both ground and first floor level.

Following a complaint to the Council about the erection of unauthorised signage, the applicants were advised by letter that the signs required advertisement consent, that any application was unlikely to be supported and that the signs should be removed. A retrospective application was subsequently submitted and withdrawn as outlined above. This application was submitted and registered as valid on 2nd May 2013.



Applications for advertising consent require to be considered in terms of Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and in terms of the relevant criteria of the Council's Control of Advertisement Policy.

The applicant, in the supporting statement, have stated that the building does not have a purpose built shop front and it does not possess architectural features which could accommodate a fascia board. That there is practical difficulty in installing a fascia board, as there are external drainage pipes between ground and first floor on the front elevation.

## **2. Consultations and Representations**

There is no requirement for neighbour notification or other forms of publicity for applications for advertisement consent.

## **3. Analysis**

The previous application for the retention of the advertisements was recommended for refusal on the grounds that the advertisement displays are both contrary to Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) and the Council's approved Control of Advertisement Policy by reason of their size, location, prominence, method of illumination and cumulative impact creating visual clutter to the detriment of the character of the building and the visual amenity of the area. This application is effectively a re-submission of that application with an additional supporting statement.

Policy TC8 of the Adopted North Ayrshire Local Plan (excluding Isle of Arran) states that the Council will control the display of advertisements in accordance with its approved advertisement policy. The Control of Advertisement Policy acknowledges the powers available under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. Under these powers consideration of applications for advertising consent is limited to the grounds of amenity and public safety.

Business premises can display illuminated adverts within the parameters outlined in Class 6 of the Advert Regulations without consent from the Council. The advertisements subject to this application exceed those parameters and thus are not exempt from advertisement control. As consent is required from the Council they must be considered on the grounds of amenity and public safety. In this instance it is considered that whilst there is no public safety risk arising from the signs the display is harmful to local amenity.

The Council's Control of Advertisement Policy states that illuminated fascia signs in town centres are acceptable subject to the fascia being related to the design of the shop front. Where premises have no recognisable fascia particular care should be taken to ensure the design is compatible with the character and size of the building. The signs are of a 'box' type design and constructed with folded aluminium, which appears out of place and character with the traditional stone building on which there are placed, which is exacerbated by the external trough lighting. The lighting is not physically connected to these large 'box' signs, but sits above and protrudes further from the front elevation. Well considered, designed and discretely illuminated signage, which respects the character of the building would be required. Individual letters may be the most appropriate option, given that the property has not been designed with a 'shopfront' and does not contain an obvious location for a fascia, and would address the applicant's concern about the obstruction of the rainwater and overflow pipes.

The signs on the eastern and western elevation are also folded aluminium and have been displayed at first floor level. The signs are visible in long views from the Kilbirnie Conservation Area to the west and on approach on the A760 to the east, due to their scale and elevated position on the building. These signs are also considered to detract from the appearance of the building and the amenity of the area, due to their 'box' type design, scale, inappropriate siting high on the building and illumination. In addition they add to the visual clutter on the building resulting in a cumulative detrimental impact on the visual amenity of the area. This clutter is exacerbated by the presence of the other signs associated to the business and displayed with deemed consent, being signs in each of the six windows on the front elevation and a board sign adjacent to the front entrance.

It is acknowledged that, as discussed in the supporting statement, there may be constraints related to the installation of a fascia board running the length of the front elevation, however that does not mean that the fascia signs, the subject of this application, should be granted as a result. Rather an appropriate alternative solution should be investigated. The folded aluminium 'box' type signs are considered inappropriate to the character of the stone building, to the detriment of the amenity of the area. As stated above, more discretely illuminated and well designed signage, respecting the character of the building, is required. Although a traditional fascia, the full length of the front elevation, may not be practical for this building better designed advertisements could be accommodated. However in the absence of such proposals the Council must determine the existing externally illuminated folded aluminium signs on their merits.

The applicant, in the supporting statement, makes reference to what they consider to be a similar internally illuminated metal sign on the frontage of a listed building in the Kilbirnie Conservation Area. They question why such non-traditional signage is acceptable on that building when it is not acceptable on an unlisted building outside the conservation area.

Again the Council can only determine the proposals subject to this application, the signage referred to in the submission has no record of having approved advertisement consent and would appear to be unauthorised. This matter will be the subject of a separate investigation. The predominant signage type within Kilbirnie Town Centre, on traditional stone buildings, is of externally or non-illuminated advertisements well designed to respect the character and size of the building on which they are located. Although these are, in the main, properties with integral shopfronts, unlike the property subject to this application.

The supporting statement also states that it is difficult to understand the recommendation for refusal of the side elevation advertisements without a clearer policy justification, given that the Control of Advertisement Policy provides no guidance for adverts on side elevations. It is also stated that the surgery is a business within the town centre, and due to the Council's policies generally seeking to support town centres they would hope that the advertisements would be given consent, in support of this business.

The Control of Advertisement Policy does not cover every potential type of advertisement. Where such advertisements are not addressed the Council must determine the merits of the adverts on the grounds of amenity and public safety. There are no public safety issues arising from this application. The signs on the side elevation are considered to adversely affect local amenity for the reasons given above. Whilst the Council is generally supportive of appropriate business uses within town centres this does not mean that inappropriate signage, harmful to visual amenity should be granted consent.

Accordingly it is considered that the signs do not accord with the Council's Control of Advertisement Policy and would have a detrimental effect on visual amenity, by way of their form, scale, positioning and means of illumination. It is therefore recommended that the applicant should be refused on these grounds. It is further recommended that, as this application has been made in retrospect, that the necessary enforcement action to effect the removal of the unauthorised signs and lighting be approved.

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

See Appendix 2.

A handwritten signature in black ink, appearing to read 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
17 May 2013

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

ID/FG

## **APPENDIX 2**

### **RECOMMENDATION FOR ADVERTISEMENT CONSENT APPLICATION REF NO 13/00262/ADC**

Agree (i) to pursue enforcement action to effect the removal of the unauthorised signs, and (ii) to refuse on the following ground:-

1. That the advertisement displays are both contrary to Policy TC8 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran) and the Council's approved Control of Advertisements Policy by reason of their size, location, prominence, method of illumination and cumulative impact, creating visual clutter to the detriment of the character of the building and the visual amenity of the area.



# Committee Plans

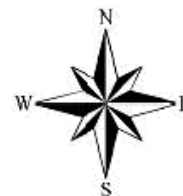
13/00262/ADC



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

**Not To Scale**







---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 4.3**

Planning Committee

Planning Area

**5 June 2013****Garnock Valley**

Reference

**13/00249/ALO**

Application

**2nd May 2013**

Registered

Decision Due

**5th July 2013**

Ward

**Dalry and West Kilbride**

---

**Recommendation****Refuse for the reason contained in  
Appendix 2**

---

**Location**Site to the north east of Birkentop Farm  
Dalry**Applicant**Colin J Smith  
Birkentop Farm  
Dalry**Proposal**Removal all of Section 75 Agreement attached to  
planning permission 07/01192/PP relating to  
occupancy restriction

---

**1. Description**

This report relates to an application in terms of Section 75A of the Town and Country Planning (Scotland) Act 1997 to remove a legal agreement that was entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997 in relation to an occupancy restriction (Ref: - 07/01192/PP). An application for the erection of a detached dwellinghouse for an agricultural worker was approved by Committee on 24th February 2009, subject to a legal agreement and conditions. The approved legal agreement restricts the occupancy of the dwellinghouse to a person employed in agriculture at Birkentop Farm, or a dependant of such a person.

The application site relates to an open field on the south side of Beith Road (A737) between Dalry and Beith. The field slopes up from the A737, and is bounded by hedging and a post and wire fence. The proposed house would be located approximately 75m east of the original farm house, Birkentop Farm Cottage, which is currently occupied by the applicant's parents. The applicant's parents have retired and no longer work the farm. Birkentop Farm Cottage is single storey and has previously been extended to the rear, and is accessed from the A737 by the existing farm access road.

The application site is located within the countryside as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) and is unaffected by any site specific policies or proposals therein. The relevant policies are ENV1 (Development In The Countryside) contained within the Local Plan and Policy ENV2 (Housing Development in the Countryside) of the emerging Modified Local Development Plan, which indicate that any new housing in the countryside for workers engaged in a rural business requires justification of a genuine operational need for a worker to live on site in pursuance of an established rural business.

Notification of initiation of development was submitted by the applicant confirming that works commenced on 4th May 2012. The works consist of upgrading the access junction with the A737. Therefore, the consent (Ref: 07/01192/PP) remains valid. The applicant has submitted a letter in support of his application which states that after approaches to various banks including Lloyds TSB, Clydesdale and other unspecified banks and correspondence from Rural Finance (UK's largest Independent Finance Broking Network, formed in 2004) all advising that they were unable to offer suitable mortgage funds in view of the occupancy restriction. The applicant also states that additional winter housing for cattle has been built, further land purchased and additional stock numbers added to the breeding herd in accordance with the applicant's 5 year plan.

The applicant also submitted an article from the Strathspey and Badenoch Herald which details a case of similar difficulties in obtaining finances due to a S75 Agreement. The article also focuses on Scottish Government Guidance from Mr. Mackinnon (former Chief Planner), who advocated that "occupancy restrictions are rarely appropriate and should generally be avoided."

## **2. Consultations and Representations**

The application did neither require any publicity nor any consultations.

### **3. Analysis**

The Town and Country Planning (Scotland) Act 1997 (Section 75) provides planning authorities with power to enter into agreements with land owners for the purpose of restricting or regulating the development or the use of the land either permanently or during such period as may be prescribed by the agreement. Policies ENV1 contained within the Local Plan and ENV2 of the emerging Modified Local Development Plan, indicate that any new housing in the countryside for workers engaged in a rural business requires justification that there needs to be a genuine operational need for a worker to live on site in pursuance of an established rural business. In such instances, an occupancy restriction attached to the planning consent by means of a Section 75 Agreement is the Council's standard procedure to secure a development to the terms of its justification/special need.

With regards to the Scottish Government Guidance from Mr. Mackinnon (former Chief Planner) who advocated that "occupancy restrictions are rarely appropriate and should generally be avoided." The letter was in the form of advice only and relates specifically to new housing proposals for workers engaged in a rural business and does not cover existing consents where there is already an occupancy restriction in place. Furthermore, legal agreements are only used in a limited number of circumstances where development would not normally be acceptable were it not for the agricultural or business justification demonstrated by the applicant.

The applicant has submitted a letter in support of his application, which states that after approaches to various banks including Lloyds TSB, Clydesdale, and other unspecified banks, and correspondence from Rural Finance (UK's largest Independent Finance Broking Network, formed in 2004), all of which advise that they were unable to offer suitable mortgage funds in view of the occupancy restriction. Other than the letter from Rural Finance, the applicant has not provided any written evidence to substantiate this position. The applicant has since confirmed that the banks did not provide written confirmation that they were unable to offer suitable mortgage funds, only verbal confirmation. It is considered that the Council's standard practice on these matters should not be amended as it would set an undesirable precedent for unjustified development within the countryside to the detriment of the landscape setting and amenity of the rural area.

Applications for single houses in the countryside are supported by Policy H2, which permits single houses in the countryside, subject to assessment against the following criteria: (a) the proposal is distinctive and responsive to its setting, making a positive design contribution to the locality of the area; (b) the proposal integrates with and complements and enhances the established character of the area and the cumulative impact on the landscape of the development is acceptable; and (c) it is demonstrated that account has been taken of the possibility of converting, rehabilitating, or replacing an existing building in the countryside or of locating a new building on brownfield.

It is considered that permission should not be granted for the removal of agricultural occupancy conditions unless exceptional circumstances can be satisfactorily demonstrated. Other than the difficulty in obtaining finance, there has been no other justification put forward by the applicant and no evidence has been submitted from any of the aforementioned banks on this matter.

In view of the above, it is not considered that the applicant has sufficiently demonstrated a well justified case to merit the removal of the S75 Agreement and it is recommended that the application, to remove the legal obligation, is refused.

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

See Appendix 2.



**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
22 May 2013

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

FK/FG

## **APPENDIX 2**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00249/ALO**

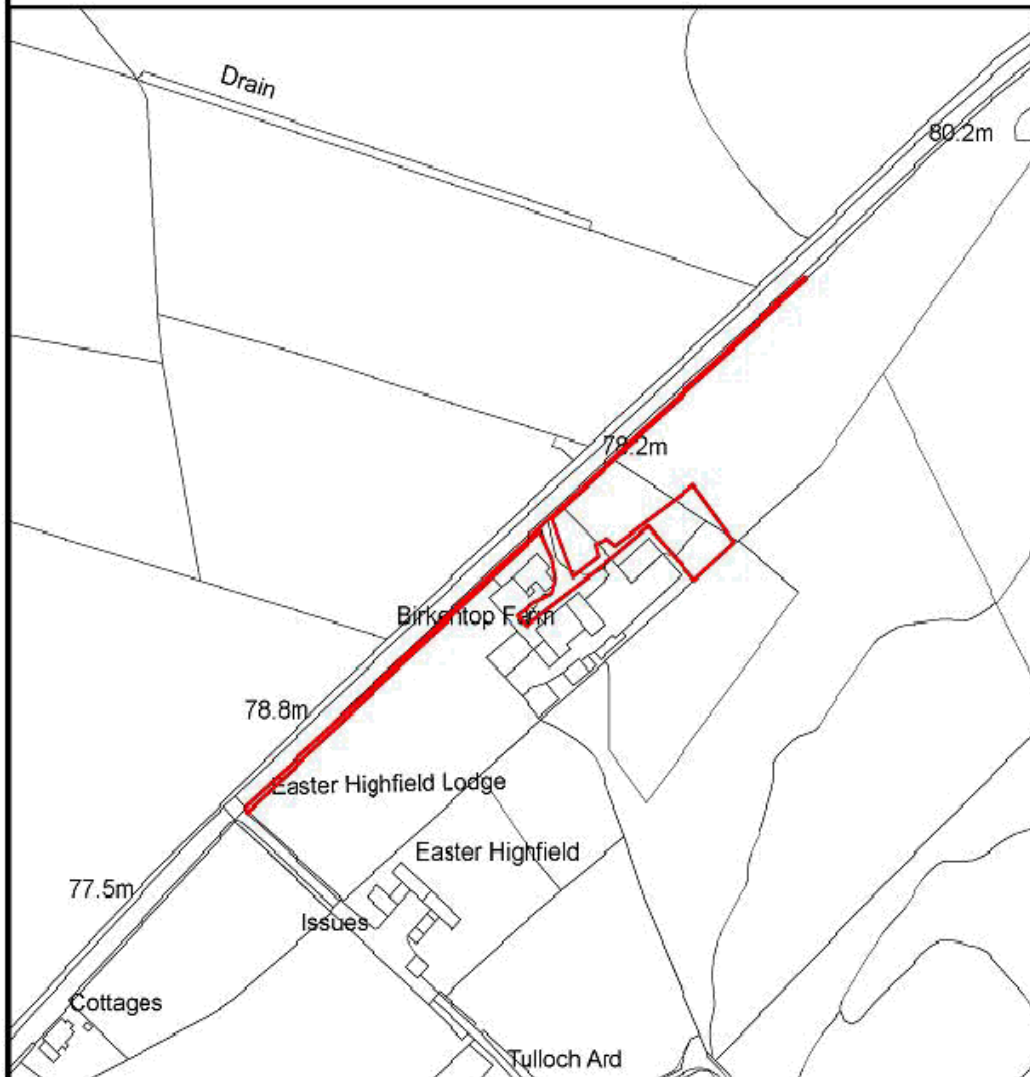
Refuse on the following ground:-

1. That the removal of the S75 Agreement would be contrary to Policy ENV1 of the North Ayrshire Local Plan (Excluding Isle of Arran) in that the dwellinghouse approved under planning consent (Ref 07/01192/PP) was justified as required for agricultural occupation.



# Committee Plans

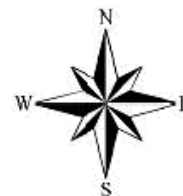
13/00249/ALO



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

**Not To Scale**







---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 5.1**

Planning Committee

Planning Area

**5 June 2013  
Irvine/Kilwinning**

Reference

**13/00270/PP**

Application

**17th May 2013**

Registered

Decision Due

**17th July 2013**

Ward

**Irvine East**

---

<b>Recommendation</b>	<b>Agree to grant subject to (i) no material objections being received by 21 June 2013, and (ii) the conditions contained in Appendix 1</b>
-----------------------	---

---

<b>Location</b>	Site to East of 5 Earlswood Avenue Montgomerie Park Irvine
-----------------	--

<b>Applicant</b>	Persimmon Homes Limited 180 Findochty Street Garthamlock Glasgow G33 5EP
------------------	--

<b>Proposal</b>	Siting of temporary sales cabin for a period of 3 years with associated parking and landscaping
-----------------	---

---

**1. Description**

This application seeks planning permission for the erection of a temporary sales cabin for a period of three years on land at the entrance to the Montgomerie Park Housing Development from the Hill Interchange.

Planning permission for the erection of 118 dwelling houses and associated works (N/12/00661/PPM) was granted by Committee on 13th March 2013, subject to conditions. The proposed sales cabin would serve that development. The site is owned by North Ayrshire Council and is approximately 200m east of the new housing development to which it relates.

It is proposed to site the pre-fabricated sales cabin and to form the associated car park on land immediately to the south east of the mini-roundabout west of Hill Roundabout (B7080). The land is a relatively flat grassed area with the road verge being regularly mown and longer, rough grassland behind. The site forms part of the wider masterplan area intended to be developed in the future for housing purposes once sold to a developer, but is presently vacant. The cabin would measure some 10.75m long by 3.4m wide and would be 2.85m high. An associated generator and WC immediately south of the proposed cabin would be accommodated behind a 1.8m timber screening fence, and the immediately surrounding area would be landscaped. Access from the public road would be from an existing bellmouth / turning head and the proposed gravel chip surfaced car park would accommodate a total of four parking spaces, south of the cabin. Indicative landscaping and signage is also shown on the submitted plans, but the applicant has advised that the details of these have not yet been finalised.

Planning permission (N/10/00543/PP) was previously approved at Committee on 30th November 2010 for a sales cabin at the same position for a previous phase of the Montgomerie Park housing development. That consent was temporary for a period of two years and the cabin has now been removed and the land restored to grass.

The site is located within an area allocated for housing development in the Adopted North Ayrshire Local Plan (excluding Isle of Arran). Policy RES7 states that the Council should promote development at Montgomerie Park for housing and other social and community facilities, in accordance with an approved Masterplan; Policy RES3 relates to urban fringe sites, where substantial structure planting is required to ensure an effective boundary between town and country; and Policy SOC1 requires that provision shall be made within the Masterplan for a new Primary School. The Montgomerie Park Masterplan was adopted by the Council and subsequently updated in March 2013. The Development Control Statement in the Local Plan is also applicable to all applications for planning permission.

## **2. Consultations and Representations**

The application was advertised in the local press on 31st May 2013, and no representations or objections have been received as a result of the advertisement. No consultations were required.

### **3. Analysis**

The site is located within an area allocated for housing and is owned by the Council. The proposal would be consistent with Policy RES7 of the Local Plan which commits the Council to the promotion of housing development at Montgomerie Park. Policy RES3 is not considered relevant to this particular proposal given the temporary nature of the development and the proposed landscaping which would be immediately adjacent to the proposed sales cabin. There is an overall scheme of structural landscaping for the Montgomerie Park development as a whole, and each phased housing development contributes to the implementation of the scheme.

In the revised Masterplan, the application site is identified for a shop to serve the wider housing development and the Masterplan details initial marketing of the site as such from late 2013 on. This proposal seeks permission for three years for a cabin to facilitate sales of the new housing being built by the applicant within Montgomerie Park to the west and the applicants estimate that the sales cabin would either be removed within the three years or at the completion of the development, whichever is sooner. The land would then be either restored to grass or redeveloped, as per the approved Masterplan. As the housing development proceeds, there is likely to be scope for a re-located sales facility or showhome within the housing development site itself and the requirement for the temporary cabin at this position will be lessened. The site would remain under the control of the Council by the lease arrangement and it is therefore considered that the temporary siting period of three years is appropriate. The principle of the proposal is consistent with the previous temporary sales cabin approved by Committee and its siting would not prejudice further development of this part of the estate, since the site is owned by and leased from the Council.

With regard to the criteria of the Development Control Statement in the Local Plan criteria (a) siting, design and external appearance and (b) amenity are relevant. The scale and appearance of the proposed sales cabin would be relatively minor within the wider context of Montgomerie Park and is considered satisfactory in terms of its external appearance. Details of the proposed landscaping around the cabin have not yet been finalised and a condition could be applied requiring such details to be approved, prior to the siting. A condition should also be applied, for the avoidance of doubt, clarifying that none of the signage indicated on the plans is approved.

In terms of amenity, it is not considered that the siting of the cabin would have any significant adverse affect on the visual amenity of the area and the site is sufficiently separate from the existing houses within Montgomerie Park to avoid any potential issues regarding the residential amenity of existing occupants.

It is recommended that, should no significant material objections be received following the expiry of the advertisement and publicity period, planning permission should be granted subject to conditions confirming the temporary nature of the development and relating to the proposed landscaping and signage.

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

See Appendix 1.

A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
23 May 2013

For further information please contact Neil McAteer, Assistant Planning Officer ,  
on 01294 324316.

NMcA/FG

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00270/PP**

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

1. That the sales cabin and surfaced car park hereby permitted shall be removed and the land restored to its former condition on or before 5 June 2016.
2. That prior to the commencement of the development hereby approved, details of a proposed landscaping scheme, including full details of species, planting schedule, maintenance of grass verges, proposed aftercare etc shall be submitted for the written approval of North Ayrshire Council as Planning Authority and that such details as may be approved shall thereafter be implemented and maintained to the satisfaction of the Planning Authority.
3. That, for the avoidance of any doubt and notwithstanding the details shown on the approved plan (ref:Sales-01 revB), no element of signage either freestanding or attached to the cabin is hereby approved.

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

1. In recognition of the temporary nature of the development.
2. In the interest of the amenity of the area.
3. In the interest of the proper planning of the area.

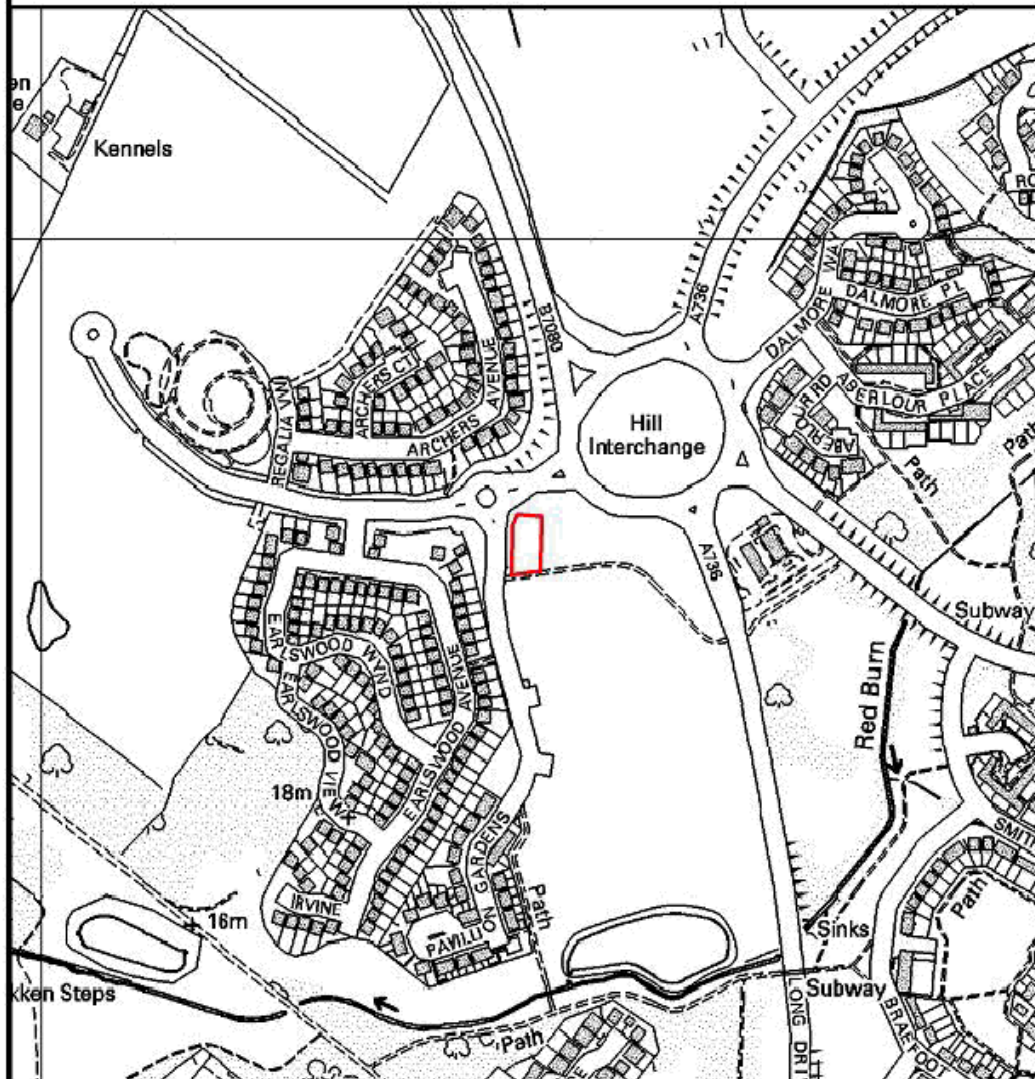
Reason(s) for approval:

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



# Committee Plans

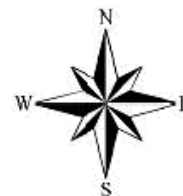
13/00270/PP



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

**Not To Scale**







---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 5.2**

Planning Committee

Planning Area

**5 June 2013  
Irvine/Kilwinning**

Reference

**13/00015/PPM**

Application

**20th February 2013**

Registered

Decision Due

**20th June 2013**

Ward

**Irvine West**

---

---

<b>Recommendation</b>	<b>Grant with Conditions contained in Appendix 1</b>
-----------------------	--

---

**Location**Irvine Beach Park  
Harbour Street  
Irvine  
Ayrshire**Applicant**The Ayrshire Golf Company Ltd  
c/o Credential Holdings  
8 Elmbank Gardens  
Glasgow  
G2 4NQ**Proposal**Formation of an 18 hole links golf course with associated residential development consisting of hotel (with spa, 50 rooms, plus 150 two bed suites for fractional use) and 176 apartments in blocks of 4 (to include the option of 70 as residential units for sale) together with associated roads, parking pathways and landscaping

---

## **1. Description**

This report is in respect of an application for planning permission for a golf course, hotel and fractional accommodation/residential development on land at the southern part of Irvine Beach Park.

The proposals seek to undertake the following works:

- the realignment of the northern section of Marine Drive, which would involve the stopping up and removal of the section of Marine Drive between the BMX track and the Portland Roundabout, and its replacement with a new length of road to be constructed across part of the BMX track and former NACCO factory, to connect with Kyle Road at its junction with Portland Road/Heatherhouse Road. A new roundabout would be formed at this junction;
- the formation of an 18 hole links golf course on the southern part of the Beach Park, former NACCO factory, former caravan site and on the undeveloped land beyond, extending to the boundary with Western Gailes Golf Course;
- the erection of a 5½ storey hotel, which would include a spa, 50 bedrooms, and 150 two bed suites for fractional use, on a formed hilltop plateau at the northern end of the site. The hotel would be formed around a courtyard with its main elevation facing south west across the Firth of Clyde towards Ailsa Craig. Parking for the hotel would be on the landward side of the building adjacent to the courtyard;
- the erection of 176 fractional ownership apartments in 45 blocks of 4 apartment "golf lodges". Two of the lodges would be positioned to either side of the resort entrance on Marine Drive; 22 would be grouped around the hotel, and a final group of 21 would be built to the south east of the golf course to either side of Marine Drive. Consent is also sought for the option of 70 of the apartments as residential units for sale;

- the formation of a maintenance area at the southern end of the site adjacent to Marine Drive. In addition to a small storage building, details of which have still to be submitted, this area would include horse box parking and access to the beach using a route around the northern edge of Western Gailes Golf Course. Access would be from a point on Marine Drive to the north of the embankment for the railway overbridge;
- the re-routing of a Core Path which is also National Cycle Network (NCN) Route 7. This off-road path currently follows Marine Drive and then crosses the southern part of the site. The re-routed Core Path/NCN 7 would be parallel and adjacent to Portland Road and the west side of Marine Drive, including the realigned section. The re-routed path would then follow the access road into the proposed maintenance area before rejoining the existing NCN 7 at the existing route, alongside the eastern boundary of Western Gailes Golf Course;
- the re-routing of the Ayrshire Coastal Path alongside Portland Road and Marine Drive, and thereafter, across the golf course before returning to the existing coastal path southwards to Barassie. The Coastal Path and NCN 7 would utilise the same path along the section parallel to Portland Road and much of the Marine Drive section. The routes would separate to the west of a proposed group of golf lodges adjacent to Marine Drive; and
- the formation of new pedestrian paths leading from the main hotel resort area to the Beach Park, foreshore and Irvine Harbourside.

There is a large stone dragon sculpture on one of the headlands within the Beach Park which would be affected by the development, part of the public artworks commissioned by IDC during the 1980s. This sculpture would be relocated to a site elsewhere in the Beach Park, the precise details of which are still to be agreed.

An indication of the phasing for the proposed development has been submitted from the applicant's agent, which states the following:

- Phase 1. Road alterations, path diversions and formation of golf course with possibly the hotel at same time, if not, then within phase 2.
- Phase 2. Erection of hotel.
- Phase 3. Erection of golf villas (each containing 4 individual units).

The site covers an area of approximately 89 hectares. As the site area exceeds 2 hectares, the proposals are classed as 'Major' development under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009. The proposal was screened for Environmental Impact Assessment (EIA) in 2010, and it was advised that, due to the potential for significant environmental effects, that EIA would be required.

The site is located to the west of the built up area of Irvine. It is enclosed by the foreshore of the Firth of Clyde to the south west; Irvine Beach Park to the north; Portland Road to the north east and the Glasgow - Stranraer railway to the south east. The site also encloses three sides of the Irvine Industrial Estate to the east between Portland Road and the railway line. The southern site boundary adjoins Western Gailes Golf Course.

A pre-application consultation event was held in the Harbour Arts Centre, Irvine, on 11th January 2012. In support of the application, the applicants have submitted the following:

Pre-Application Consultation Report,  
Design and Access Statement,  
Environmental Statement,  
Stage 1 Geo-technical investigation (desk study),  
Transportation Assessment,  
Design Report for the golf course,  
Coastal Erosion Report,  
Construction Method Statement.

Whilst there is no recent planning history for the site, the following background is of relevance to the consideration of the application. The Beach Park was opened in the late 1970s following a land reclamation project undertaken by Irvine Development Corporation between 1974 and 1978. The park provides a recreation area to the south of Irvine Harbourside and includes pedestrian walkways, a large pond, areas of grass, a series of grass covered hills and dunes and various areas of ornamental shrub planting. The site boundary for this proposal lies to the south of the pond at the ridgeline of one of the hills. A caravan park was developed in the mid-1980s to the south of the Beach Park, which is now disused.

The site had previously been in a derelict condition following the closure of various heavy industrial uses dating back to the late nineteenth century. There remains a legacy of contamination arising from these uses, which included a Royal Ordnance Factory (ROF) and various chemical works. Part of the ROF site was sold to Irvine Town Council in 1958 for redevelopment as an industrial estate, which did not include the testing and training area, which stretched down to the foreshore. This area had been purchased by the SSEB for the construction of a power station, the plans for which were never implemented. The land was then acquired by Irvine Development Corporation in 1974, and subsequently reclaimed for leisure purposes.

Whilst much of the industrial estate remains in use, a substantial area that had been developed in the 1960s as a factory for fork lift truck manufacture was largely cleared in 2010/11 following its closure in 2009. Much of this area is included within the application site. Irvine Gun Club developed a shooting range in the north east of the site in the early 1980s, which was abandoned in the mid-1990s and the site was cleared in 2010. This area is also included within the application site.

There are two pumping stations within the site which were built between 1989 and 1991. Both are located close to Marine Drive. Land reclamation works were substantially undertaken during the 1970s, although later stages of work were undertaken to treat additional areas of contamination that were uncovered. The latest remediation project took place in 2008 at the Beach Park, where deposits of shallow lead and chromium contamination were found in several areas.

In terms of the adopted Local Plan, the Beach Park area of the site is allocated for leisure and open space purposes. Policies OS 1 and OS 1A applies to this area. Policy OS 1 seeks to protect open space from development unless a proposal can be justified against a range of criteria. Policy OS 1A supports the upgrading of existing facilities or the provision of new sports and recreational facilities.

The area of land allocated in the Local Plan for leisure and open space includes the caravan park, which has an additional policy allocation for tourism, Policy TOU 5, which is a promotional policy supporting the further development of the Beach Park touring caravan park.

The southern part of the site is identified as countryside, where Policy ENV 1 applies. Policy ENV 1 presumes against development in the countryside unless it can be demonstrated that it meets a range of criteria, including compliance with Policy TOU 4. Policy TOU 4 supports the development of tourist facilities in the countryside provided the development can demonstrate a site specific need, there is social and/or economic benefit to the area and it is of a scale and character that is not detrimental to the amenity of the area.

The eastern part of the site, bounded by Marine Drive and the Glasgow - Stranraer railway, is allocated for industrial development in terms of Policies IND 6, IND 6A and IND 7. In particular, Policy IND 6A recognises that there are nature conservation issues affecting the land and requires that any development is contained within the western part of the site and also "facilitates the reinstatement of conservation interests on the balance of the site".

In respect of nature conservation, Policies ENV 6 and ENV 7 are of relevance. Policy ENV 6 takes into account international, national and local designations. The area referred to in relation to industrial policies, above, is known as the Marine Drive Triangle and is an example of a coastal dune grassland landscape, albeit one that is fragmented and separated by previous development on its fringes. Surveys of the area undertaken by Scottish Natural Heritage and others have indicated that the area contains several internationally important types of vegetation, as well as being part of nationally important sand dunes. In addition, the southern part of the site includes part of the Western Gailes Site of Special Scientific Interest (SSSI). This SSSI was designated in 1983 for its invertebrate fauna, including beetles. The Western Gailes SSSI extends beyond the application site boundary southwards, encompassing both the beach, foreshore and a large part of Western Gailes Golf Course.

Policy ENV 7, among other things, seeks to create new and improved "green corridors" and other linkages between sites of natural heritage value.

Policy TRA 2 requires all significant development proposals to demonstrate that account has been taken of the needs of walkers and cyclists. The site is affected by the Core Path Network and National Cycle Network Route 7, which, as noted above, would be diverted as part of the development. Diversions would also apply to the Ayrshire Coastal Path, as noted above.

Policy BE 13 encourages the provision of art in the community where it is appropriate to the setting of a development.

Policy BE 14 relates to the Council's design guidance which in this case, the relevant document is the Coastal Design Guidance.

In terms of the proposed Local Development Plan, Policy TOU 3 establishes the principle for certain specific tourism projects across North Ayrshire, of which includes a golf course and hotel at Irvine Beach Park. The application site boundary closely follows the Policy TOU 3 land use allocation.

## 2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures and in addition, details of the application were published in a local newspaper on 1st March 2013. Thirteen objections have been received, which can be summarised as follows:

- 1) Concerns regarding oversupply of golf courses in the Irvine area.

*Response - With the exception of the commercially orientated developments at Northern Gailes Centre and, to a certain extent, the Dundonald Golf Club, all the other golf courses/clubs in the surrounding area are primarily geared towards either serving the local public, (municipal courses) or to satisfy a private membership. In the applicant's view, neither group has the required standard of accompanying facilities to attract an international golfer or family to base themselves in the area once they have played their golf. The applicant also fully acknowledges the existence of existing, excellent golf courses on the Ayrshire Coast, but contends that, due to a lack of an internationally recognised, commercially focussed, golf oriented hotel and golf course, there is currently a limit to the potential of the area, and therefore demand has not necessarily been fully realised.*

*In addition, the applicant advises that studies they have undertaken on the movement and behaviour of golf tourists in Scotland over the last 10-15 years has led them to conclude that the lack of this type of high quality, modern, accessible, affordable, golf oriented, and internationally recognised golf resort, with all its related facilities is the main limitation for a golf tourist visiting the Ayrshire coast. Whilst there will always be international golf tourists who will play a golf course due to its reputation regardless of its accompanying facilities or location, the applicants have identified that there is another group of international golfers with families who have traditionally opted to go to the Edinburgh or St Andrews areas which offer golf oriented quality accommodation and other activities for the non- golfer. The intention of this proposal is to accommodate both types of international tourist. As such, the applicant contends that the golf course needs the support of the other proposed facilities and the other facilities need the support of the golf course. In the applicant's view, the two components are critically linked to enable international marketability and operational success.*

- 2) Competition with existing hotel/bar/restaurant businesses in the Harbourside area.

*Response - It is considered that the proposed hotel would attract more visitors to the area and thereby offer potential benefits for Harbourside. Footpaths between the resort and the Harbourside would allow easy access for visitors and boost tourism in the area. Competition between businesses is not a material planning consideration.*

- 3) Loss of public access over foreshore area to the south end of the Beach Park, removing opportunities for rambling and cycling.

*Response - Two major routes are proposed giving access to the foreshore, the retention of Core Path 1K11A on the northern boundary and the formation of an upgraded access for foot, cycle and horse traffic on the southern boundary, both of which have associated parking areas. The re-routing of the Coastal Path is necessary due to the constraints of the site. In combination, the coastal path and NCN 7 would provide access to both the north and the south, together with new footpath links through the hotel gardens linking both to the Core Path and Marine Drive from the resort access road.*

- 4) Access routes to the beach must be multi-use as required by the Land Reform legislation and not simply for pedestrians as shown on the plans.

*Response - The southern and northern beach access routes will be multi-use and not only for pedestrians.*

- 5) Loss of "off road" horse riding opportunities for existing user base.

*Response - The applicants advise that due to the unpredictable terrain and heavily vegetated areas on site, broken and unsafe fencing etc, the horse riders do not use the site area for riding their horses, they use it primarily as a staging area for parking and ride their horses along the beach. With off road parking specifically for horse boxes and a staging area at the southern end of the site the proposed development does not impact this ability. The applicants' response is considered an acceptable solution in order to sustain access for horse riding to the beach whilst also accommodating the proposed development.*

- 6) The environmental statement has not carried out any survey of the existing use of the site. It does not describe the multitude of different sporting and recreational uses or evaluate the existing levels of use.

*Response - Access to the land is presently casual and uncontrolled. Whilst most activities do not harm the site, some cause serious damage to the fore dunes and the semi mobile dunes. Improved management would deter certain activities whilst supporting others in a more formal way.*



- 7) The Beach Park is full of internationally important wildlife habitats which North Ayrshire Council has a statutory duty to conserve and enhance. The proposal will permanently reduce the area of these habitats and lead to the loss of rare wildlife. This is against local, national and international policies eg. Ayrshire LBAP, Scottish Biodiversity Strategy and the EC Habitats Directive. Most importantly it will damage the Western Gailes SSSI.

*Response - The applicants advise that "there is no intention to decimate whatever wildlife that has managed to survive the present site conditions, rather our intention is to enhance the best of what is already available and improve the many bad areas to encourage more biodiversity though providing more sustainable and ecologically favourable conditions. We acknowledge that there will be disturbance during construction (this will be kept to a minimum), but we would argue that the net effect once the project is completed will be a better area environmentally offering a broader range of ecological conditions that will be conducive to improving, not decreasing, the biodiversity potential of the site. The current flora and fauna have adapted to the site conditions and survive in spite of the unregulated land use and contamination across it, not as a result of the present land use or condition of the site". These points are all noted.*

- 8) The economics of the proposal are not viable. There is an almost identical development at Dundonald Links which has never been completed. Although the Golf Course was completed, the Hotel and Holiday accommodation have never been built, which clearly demonstrates that the proposal is not viable, in addition, the presence of this existing approval demonstrates that there is no need for the proposal. The online response from sportscotland, the Scottish Government's advisors, clearly states that there is no need for another golf course.

*Reason - The viability of the proposed development is not a material planning consideration. However, the applicant has responded to this point, stating that such comparisons should not be drawn. They advise that the target market and core business model for this proposal would make it accessible and affordable for a much larger number of people. Further, the applicant's agent states that sportscotland survey was conducted on existing facilities which are predominantly private member clubs with declining local memberships and focused on finding ways and incentives to help those clubs to encourage, mostly local people to join their club. In no way does this relate to the creation of a tourist driven golf resort and in fact the creation of a facility that is developed for tourists is likely to bring more people to the area and offer spin offs for neighbouring clubs".*

- 9) The Environmental Impact Assessment of the proposal is not fit for purpose; it does not meet the requirements of the Regulations. It has been cobbled together as an assemblage of disjointed reports most of which are unashamedly biased in favour of the development. It is deliberately misleading and omits key facts about the site. It is very selective and contains very little genuine evaluation or assessment. A fundamental issue with the online consultation is that the scanned documents are not fit for purpose. Much of the EIA is not actually legible, either because it is at 90 degrees to the computer screen or because the maps have been poorly scanned and cannot be read. If a consultation has to take place by electronic media then it must be scanned and presented in a way that is fit for purpose. As a minimum, the consultation should be repeated based on legible documents, however the Council should advise the applicants to undertake a proper scoping exercise to ensure that the finished document is fit for purpose.

*Response - The EIA must be read as a whole. It provides a factual evaluation of the current state of the site and provides mitigation proposals should the development proceed. All the specialists providing surveys, professional opinions and mitigation recommendations are entirely independent and they are not 'biased' in favour of the development. The EIA contains very many plans and detailed diagrams and the nature of these require some to be presented in landscape format as opposed to portrait. All content is available to view as a hard copy at the Council's Development Planning Services offices.*

- 10) Strategic Environmental Assessment was not undertaken until after completion of the Irvine Bay Masterplan by the Irvine Bay Regeneration Company.

*Response - Strategic environmental assessment could not be undertaken until the Council had decided upon the future land use of the site.*

- 11) The Beach Park has long been the centre of tourism in Irvine Bay. The cumulative effect of removing the Magnum, developing the Harbourside and developing the south of the Beach Park as a hotel/golf complex cannot be understated. There would be no further cause to visit the area should all of these developments proceed.

*Response - Through the proposed Local Development Plan, the Council have identified the site as a major regeneration opportunity with significant potential for economic benefit and job creation in the Irvine area and beyond. This project has the support of Irvine Bay Regeneration Company, who have been involved in works to clear redundant factory buildings on the site in recent years and have also been working to attract a developer. The project is one of IBRC's priority projects, contained within the Irvine Bay Strategy Masterplan (2007) and Irvine Town Regeneration Plan (2008).*

- 12) In response to the pre-application consultation, 77% of comments received from the public related to concerns about the proposal, especially in relation to the loss of a valued, well-used amenity. A massive part of Ayrshire's tourist appeal is its sandy coastline - much of which is inaccessible due to golf courses. This is one reason why the existing land use at the site is both so unusual and so popular with locals and visitors. The site is also of immense importance to biodiversity and the proposed golf course would have a devastating ecological effect as this is one of the only undeveloped stretches of the dune system which runs from Stevenston to Prestwick. Brief insect surveys do not compensate for the lack of historical biological data recording in the area. Surveys conducted for the application have typically been conducted in sub-optimal conditions.

*Response - The sandy coastline would be unaltered by the development. There would be no loss of beach amenity or access to the beach as a result of the proposed development.*

- 13) The Council's Local Biodiversity Action Plan is to "conserve, as far as possible, the condition and importance of sand dune wildlife habitat and its biodiversity in the south Irvine area" - the proposal is clearly not in line with this Council policy. The existing land use pattern achieves a balance between conservation and public access, helping to sustain a sufficient level of open sand which is an essential component of this habitat type. The proposal fails to understand and appreciate the current value of the site as a unique visitor attraction; it would be socially damaging as the site is a well-loved and well-used amenity in one of Scotland's most deprived areas; and it would destroy large areas of what is one of the few extensive areas of relatively undeveloped dune habitat in south west Scotland. There is external funding available to the Council for tackling the various erosion and contamination issues which exist, and the creation of a golf course at the expense of vast areas of dune habitat in no way represents a sensible attempt to address the relatively minor environmental problems currently facing the dune habitat.

*Response - The Councils Local Biodiversity Plan recognises that areas will be redeveloped in parts hence 'conserve as far as possible and identifying opportunities for habitat de-fragmentation, rehabilitation and recreation', which is what the development proposes to do. Statements that the site, in its present condition, is a 'unique visitor attraction' must be qualified by the fact that much of the land is contaminated. A key issue for the proposal is that remediation of previous uses would be tackled, offering long term benefits to the area.*

- 14) The adverse effect on drainage and groundwater within the surrounding area and may result in increased local flood risk, especially to Glasgow Golf Club and Gailes Links Course.

*Response - SEPA has not objected to the proposal and have commented that the whole area is a 'low risk of flooding' zone. The applicant advises that their design team will work closely with SNH to ensure that nearby sensitive areas, in particular the Western Gailes SSSI, are not adversely affected and all run off from the golf course is contained within the golf course area. There is no evidence to suggest that the change of land use from the present land use to a golf course will increase or decrease the groundwater table levels since infiltration rates will be largely unchanged.*

- 15) Whilst the applicants acknowledge that the location/type/depth of some contaminants on site are unknown, it is still proposed to strip the topsoil and divert the Broadhow Burn despite this lack of knowledge.

*Response - The applicant's agent has advised that the Golf Design Report was completed prior to the Stage 1 site investigation. Since the completion of the Stage 1 investigation, there is a much clearer understanding of where, what depth and what type of contamination is present on site. The intention of the applicant is to make safe any contaminated areas that are not currently suitably capped. The objector also misunderstands where topsoil will be stripped. Topsoil and sand would be stripped from a number of controlled donor areas, in the southern portion of the site well away from contaminated areas. In the northern area, topsoil does not need to be stripped since all of the proposed earthworks comprise infilling. The applicant also advises that alterations to the composition of the topsoil in golf play zones may be required, adding sand to improve drainage capacity and growing medium composition but the underlying contamination would not be exposed. Where contamination would be exposed, for example, upon removal of part of Marine Drive, the methodology noted in the Stage 1 report would be implemented. There is no contamination near the existing or proposed routes of the Broadhow Burn.*

- 16) No drainage plan has been submitted, yet despite this, it is still proposed to divert a watercourse, the Broadhow Burn.

*Response - A detailed golf course drainage plan is not required at this stage but this matter can be addressed by condition in addition to a comprehensive SUDS scheme. The applicants have given a commitment to deal with all run off arising from the creation of a golf course within the site. The drainage philosophy is completely self-contained and relies mostly on the natural drainage capacity of the sands present on almost two thirds of the site. In northern areas where the drainage ability is less due to the heavier topsoil, a pipe drainage network would be required to carry drainage water to low areas out of play where water can be allowed to 'soak away' at a slower rate. Furthermore, the applicant's agent advises that the importance of the Broadhow Burn as a drainage vehicle is vastly overstated by the objector. Periodical checks undertaken by the project design team to ascertain the water level in the burn suggested that, in fact, the burn rarely ever has water in it. Its proposed diversion will be subject to a license granted by SEPA and following further communication with SNH.*

## **Consultations**

**NAC Environmental Health (EH)** - no objections subject to the following conditions and observations:

Contaminated Land:

1. That prior to the commencement of the development, the applicant shall undertake an agreed full and detailed Site Investigation and Quantitative Risk Assessment and prepare a Remediation Strategy to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.
2. 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.
3. On completion of the proposed works written verification, detailing what was done by way of any remediation shall also be submitted to North Ayrshire Council as Planning Authority.

Noise from Glasgow - Stranraer Railway Line:

4. A noise impact assessment in accordance with the Technical Advice Note of PAN 1/2011 should be undertaken to identify the noise control measures which are required to ensure that the following noise levels are not exceeded at the curtilage of any of the proposed noise sensitive properties:

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

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

#### Vibration from Glasgow - Stranraer Railway Line

5. Due to the proximity of the proposed residential development to the Glasgow - Stranraer Railway line, the applicant must submit, for the approval of the Environmental Health Service of North Ayrshire Council, a Vibration Survey Report in terms of BS 6472:1992 Evaluation of Human Response to Vibration in Buildings showing the vibration incident on the site and include recommendations regarding any measures to be incorporated into the building design and layout of the development to achieve the necessary vibration attenuation.

All measurements and/or assessments must be carried out by a suitably qualified acoustic consultant or other competent person.

#### Control of pollution arising from construction:

6. Except with the prior written agreement of the Environmental Health Service of North Ayrshire Council, permitted operating times for noisy demolition and/or construction works shall be as follows:

Mondays - Saturdays (excluding public holidays) 0800-1900 hours.

7. Plant, machinery and operating methods should be selected and used in accordance with BS 5228: Noise Control on Construction and Open Sites and the Control of Pollution Act 1974 to minimise nuisance from noise and vibration.
8. Demolition and/or construction work must not cause nuisance or loss of amenity to neighbouring properties due to excessive noise or dust.
9. Any asbestos material encountered during demolition operations must be dealt with in accordance with all relevant legislation and codes of practice.

10. Appropriate arrangements must be made for the removal and proper disposal of waste materials off site. Burning waste on site is not permitted unless exempted by SEPA. Irrespective of any permitted SEPA exemptions, dark smoke or smoke nuisance must not be created at any time.

#### Observations

The Notification of Cooling Towers and Evaporative Condensers Regulations 1992. Regulation 4 requires the person in control of the premises to give notification in writing to the local authority of the notifiable devices that are situated on the premises.

*Response - Noted. Suitable conditions and notes can be applied to any planning permission in respect of the contaminated land issues raised. A letter has been sent to the applicant/agent regarding all of the above matters. The applicant's agent has indicated his willingness to accept all of the above requirements. The issues raised in relation to the control of pollution during construction do not require to be controlled/regulated through planning conditions, however.*

**NAC Roads and Transportation (Roads)** - no objection subject to conditions regarding detailed roads and paths design and for the conditions to ensure these matters are implemented during the development and following its completion.

*Response - A condition relating to roads/path design and access issues is proposed. Notes can also be applied to any planning permission in respect of the need for other consents in terms of the Roads (Scotland) Act 1984.*

**NAC Access Officer** - no objection subject to conditions regarding the submission of details regarding new and diverted paths, signposting, travel plan, cycle parking, and for the conditions to ensure these matters are implemented during the development and following its completion.

*Response: Condition relating to the above matters are proposed.*

**Sportscotland** - No objection. Comments are provided in relation to ensuring that access rights are accommodated on the course in terms of the Scottish Outdoor Access Code. The Code is clear that the public can cross a golf course but have to stay off greens and tees. The public can take access/cross a fairway as long as they don't interfere with/disrupt any games of golf or damage the playing surface. Access takers should follow paths where they exist and dogs should be kept on a short lead at all times. Cyclists and horse riders need to keep to paths at all times. The Code advises golf course managers to, where possible, provide paths around or across the course and/or advise people on the safest ways through the course. The Ayrshire Coastal Path runs through the site and this should be protected and integrated as part of the development in order to limit/avoid any potential restrictions as the golf course is developed. The proposal to reroute the Ayrshire Coastal Path inland as it exits the north of Western Gales golf course is considered inappropriate for a coastal route as it is listed as one of Scotland's Great Trails. Priority should be given to retaining this path along the sand dunes.

*Response - Noted. For reasons of safety and due to the constraints created by the layout of the proposed golf course, it is proposed to divert the Ayrshire Coastal Path between Irvine Harbourside and Western Gales, a distance of 1.5 km or thereby. However, access from Harbourside to the beach would be maintained, providing the alternative option of walking along the shore, which is already a popular walking route, before rejoining the existing Coastal Path at Western Gales. In addition, the applicant's agent advises that "as well as seeking to attract new golfers and tourists to the area, we propose to create a resort that will improve the appeal and awareness of Ayrshire as a destination and facilitate a proportional increase in the number of international visitors who choose to stay in this area, as opposed to Scotland's other Golf hubs".*

**SEPA** - No objection. Advice on the following topics has been provided:

1. Flood Risk

No objection. Notwithstanding this, SEPA would expect North Ayrshire Council to undertake their responsibilities as the Flood Prevention Authority. The estimated 1 in 200 year coastal flood level at this site using the CFB method is 3.62m AOD and therefore the proposed development is outwith the risk of flooding.



## 2. Drainage

The applicant has outlined that foul drainage arising from the proposal would connect to the public drainage network. Surface water runoff arising from the hardstanding areas, inclusive of road and roofs will require to be collected, treated and disposed of using sustainable drainage techniques.

## 3. The Water Environment (Controlled Activities) Regulations (Scotland) 2011

The proposed diversion of the Broadhow Burn will require to be licensed under the above regime.

## 4. Contaminated Land

SEPA have concerns regarding the proposal to disturb the already deposited waste material for the creation of new pathways. Such activity has the potential to allow the migration of pollutants into the water environment. The Local Authority is the lead authority in relation to contaminated land, SEPA's contaminated land specialists will provide input directly to the relevant personnel in the local authority in relation to impacts upon the water environment.

## 5. Coastal Erosion

SEPA highlight that the site is adjacent to the EU Designated Irvine Bathing Water, therefore it is paramount that there is no erosion of the contaminated land on the north section of the site. Furthermore, Section 5.2 of the coastal erosion report concludes that the coastline is showing a gradual landward retreat due to storm related events. In order to meet the objectives of the Water Framework Directive, Nature Conservation (Scotland) Act 2004 and sustainability development objectives, coastal development should be designed to avoid hard engineering activities in the marine environment wherever possible. Finally, given the changeable nature of this coastline there is no certainty on how beach levels will vary in the foreseeable future. SEPA welcome the proposals to improve and enhance the sand dune habitats along this stretch of coastline as part of this development using soft engineering techniques. This approach will ensure that these proposals contribute to maintaining the ecological status of the adjacent Irvine Bay water body in the future.

## 6. Ecology

SEPA does not object to the proposal on ecological grounds but has a number of suggestions which may help to ensure protection of the water environment. Furthermore, the Environmental Statement (ES) highlights that Japanese Knotweed (JK) was identified as being present in the north east of the site. It must be ensured that any construction practices will not facilitate the spread of this highly invasive species. It is in the golf course's interests to ensure the control of JK. As the record of the plant is relatively close to the houses that will be built around the clubhouse, it should be eradicated using suitable methods and a detailed survey undertaken to ensure that it is gone as it can render a building worthless if present on site. It will not be enough to simply spray the plant and then cover with the 300mm of sand as described in the construction method statement. Section 1.5.7 of the ES states that 'vegetation will be shredded and stockpiled for inclusion as a mulch in substitute topsoil materials using clean arisings' - Any JK plants should not be shredded and used as a mulch as the rhizomes can grow back, therefore, potentially spreading and exacerbating the problem. Section 1.5.7 also outlines that contaminated arisings from the north of the site will be used in deep-fill areas under the hotel development. Again, the developers will want to ensure that there is no risk of JK infestation occurring in this instance as it is known for JK to grow through building foundations. Therefore, a monitoring and management plan should be in place to ensure infestation does not spread during construction and a continued monitoring plan should be in place to ensure no re-appearance of the plants on site.

## 7. Waste Management

In accordance with best practice guidance, SEPA recommend that details are requested as to how waste will be minimised during the construction phase of the development. This information can be provided in the form of a site specific waste management plan.

## 8. Construction Phase, Pollution Prevention

Construction works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at [www.sepa.org.uk](http://www.sepa.org.uk) and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

## 9. Regulatory Advice

Details of regulatory requirements and good practice advice for the applicant can be found on the SEPA website.

*Response - Noted. Conditions and notes can be attached to meet the requirements of SEPA. A project ecologist would be appointed to supervise many of the above operations, and a construction method statement has also been prepared.*

**Scottish Water (SW)** - No objection. Scottish Water has no objection to this planning application. A separate application should be submitted to SW for connection to the water and waste water infrastructure after full planning has been granted. Bradan Water Treatment Works currently has capacity to service this proposed development. The water network that serves the proposed development is currently able to supply the new demand. Meadowhead Waste Water Treatment Works currently has capacity to service this proposed development. The waste water network that serves the proposed development is currently able to accommodate the new demand.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should SW become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption. If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s), which should be done through a deed of servitude.

*Response - Noted.*

**RSPB** - Object to the development until such time as a comprehensive assessment of impact and clear schedule of mitigation is provided, when the position will be reviewed. With respect to effects on Western Gailles Site of Special Scientific Interest (SSSI) and Bogside SSSI, RSPB advise that the Council to seek guidance from SNH to ensure compliance with duties under the Nature Conservation (Scotland) Act 2004.

There is uncertainty on the intended occupancy of the housing (fractional or residential) and therefore the potential effects of the development. A worst case scenario should be presented for the assessment of potential effects. The ES does not include an outline of the main alternatives. RSPB consider that the applicant has not provided sufficient and appropriate information on which the planning authority can base a decision on the impact of the development. Areas of specific concern are in relation to planning policy; ornithological impact arising from habitat loss; both at the site and elsewhere in the Irvine area; habitat impacts, including loss of dunes and hydrological impacts; and an unclear mitigation strategy.

*Response - The matters raised by RSPB were reported to the applicant's agent and the following comments were received in response: "much of the semi mobile dune area will be retained and reinstated where current damage exists. The barren contaminated areas in the north and centre, once long removed semi mobile dunes, will be reinstated, adding to the sum total of dune grass land. The fore dunes will have severely restricted public access, the current unrestricted tracks will be closed to reduce the on-going damage and erosion. As SNH acknowledge, we have no interest in so called 'hard' protection and the current walkway debris will be removed. Tees and greens abutting the dunes will be micro sited in conjunction with our ecologist and, as at Macrihannish, are considered sacrificial. The reduction in the number of informal access points - there will be two formal points - one on the northern boundary, one on the south, will in no way restrict pedestrian movement permitted under the freedom to roam rights applicable to golf courses. The detailing of the southern access point to the beach will be detailed as part of the course detailing. The design team are aware of nesting period constraints and the need to maintain a range of habitats ranging from the retention of parts of the old shelter belts, the reduction in some areas, but retention in others of the ever expanding gorse and the opportunity to create some alternative habits and feeding areas in the hotel and lodge landscaping". Whilst it is noted that RSPB has maintained the objection to the proposal following the consideration of this response, it is considered that the applicant's response would achieve an appropriate balance between nature conservation and the proposed development.*

**Scottish Natural Heritage** - following an initial objection to the proposal, a revised response has now been issued following the submission of additional information by the applicant's agent. The issues of concern raised by SNH included: (i) trampling pressure on the SSSI; (ii) the implications for the SSSI resulting from the diversion of the Broadhow Burn, in particular the outfall being constructed adjacent to the SSSI; (iii) the hydrological impacts on the SSSI arising from the proposed cut and fill earthworks.

Further concerns were raised in relation to access issues, including the proposed use of crushed shell as a path surface, which may not be appropriate for horses, and the diversion of the path networks in the area. Suggestions have been made with respect to alternative path diversions in order to ensure the current access opportunities and recreational experiences in the area are not diminished.

*Response: SNH has taken into account the further submissions of the applicant's agent and has recommended conditions in relation to point (i) in order to avoid a concentration of access causing damage to the SSSI through trampling pressure. The conditions would relate to details of pathways and the need for an annually reviewed Estate Management Plan, including the obligation to alter the management of paths in terms of construction, design and location, should the paths increase damage to the SSSI. In respect of point (ii), the precise location of the outfall for the diverted Broadhow Burn, would also be covered by condition. Point (iii) would be addressed through a condition relating to the appointment of a project ecologist and further work on the Construction Method Statement.*

**Scottish Wildlife Trust** - Object to the proposal on 10 specific grounds. These include:

1. Loss of important habitat that is identified in (i) Annex 1 of the European Habitats Directive; (ii) UK Biodiversity Action Plan; (iii) Scottish Biodiversity List.
2. The total absence of suitable mitigation for 24 notable plants that are present on the site.
3. There would be a negative impact on notable birds, particularly linnet (red listed), grasshopper warbler (red listed), and dunnoek (amber listed).
4. The impact on lizards. The surveyor concludes that it is a good population ie. large population. They will be associated with the dune habitats and a lot of that will be lost to the development. It follows that the overall lizard population will go down. Ant hills will be destroyed by construction and their return inhibited by golf course management (cutting machines etc on the rough). It is also understood, from background reading, that lizard translocation exercises can be prone to failure. The surveyor has outlined roughly how it will be done but detail is lacking. Therefore we cannot be confident that the current good population of lizards will be sustained by the proposed capture and release programme.
5. The bee report did not consider the north part of the site which contains the sparsely vegetated sunny banks favoured by them as well as there being an abundance of birds-foot trefoil, the plant required for one of the UKBAP species, *Osmia parientina*, that could be present.

6. Concern is expressed that the bee survey was undertaken during poor weather conditions and at the wrong time of year for the main rarity, *Colletes floralis*, likely to be present. With the Irvine coast known for its rare bees, further visits should have been scheduled.
7. Similarly, despite this part of Ayrshire being known for its notable beetles, reliance was placed on a desk exercise and brief walk instead of a comprehensive survey. In addition, no proper mitigation for beetles has been proposed.
8. The development would have significant detrimental effect on rare butterflies and moths, such as grayling, dark green fritillary, small heath, shaded broad-bar, latticed heath and cinnabar. Early flying priority species could have been missed by the timing of the surveys.
9. It is not clear whether mitigation recommended by the various surveyors has been accepted by the developer. The employment of a Project Ecologist is not itself mitigation. There should be an ecological mitigation plan.
10. This area is the only place that the people of Irvine can gain access to beach habitat, an important factor in their appreciation of wildlife in general. Restricting access to a reduced Beach Park, with its managed grassland, impoverishes their experience.

*Response - The above matters were reported to the applicant's agent and the following response was received: "the objections must be assessed in relation to the past, current and future of this important site and to its current planning status. One of the primary objectives of these development proposals was to provide a holistic view of the site and not deal with small sections in terms of separate ecological entities, important as they may be. The most important and urgent requirements are to cap the contaminated areas and remove any possible risks to the general public, to address the damage being caused to the fore dunes and to provide a viable long term management regime to retain and enhance bio diversity across the whole site". Detailed responses have been provided by the agent against each point raised by SWT, which concludes that, in summary, the following mitigation measures would address the concerns raised:*

- *Ensure the continuation of pedestrian and horse access across the site to the beach.*
- *Way mark and maintain routes as part of the course management.*
- *Control access over and through the fore dunes to reduce erosion.*
- *Enhance ecology over the whole site, by conservation where possible, transplantation where appropriate and by control of unrestricted access.*

*It is therefore considered that the applicant's response would achieve an appropriate balance between nature conservation and the proposed development.*

**West of Scotland Archaeology Service (WoSAS)** - Confirm that there are two recorded archaeological sites within the proposed development area. This is the site of a WWII anti-aircraft battery and associated camp and an area of undated industrial waste eroding from dunes. There is a further area of undated industrial waste eroding from dunes just outwith the application area that may extend into it. In addition the proposal is situated in an area of recognised archaeological potential on the Ayrshire coastal plain and is large in scale, so the potential for significant unrecorded sub-surface archaeological deposits remains an issue.

This is illustrated by surrounding archaeological records which are the result of random reporting of finds and sites made accidentally during ground disturbance over the last 150 years or so. Despite disturbance in recent times it is possible that significant archaeological remains may survive within the application boundary in areas not heavily disturbed already and that these may be damaged or destroyed by the ground-breaking elements of the proposals.

Scottish Planning Policy sets out that planning authorities should ensure that prospective developers arrange for the archaeological issues raised by their proposals to be adequately addressed, preferably before the determination of the application. In this case, because it is unlikely that any buried remains surviving the past agricultural use, construction and earth moving would be so well preserved that they would warrant preservation in situ, it is unnecessary to request prior archaeological evaluation for the current planning application.

In these circumstances, the West of Scotland Archaeology Service would instead advise the Council to consider attaching an archaeological condition to any consent they may be minded to grant this application. This is based on current best practice and experience.

This condition would be implemented as a staged process the first stage of which will be a desk based assessment and walkover field survey of the application area to record any new sites, record the surviving remains and tell the full story of the history and function of the WWII site. This would be followed by an intrusive archaeological evaluation of an 8% sample of the undisturbed parts of the application area to illuminate the possibilities for earlier buried remains and to investigate any other targets noted on site following survey. This will serve to investigate the nature and significance of any surviving buried archaeology. It will involve hiring a professional archaeologist to undertake the assessment, survey and to excavate a series of trenches to be agreed. The relevant levels can then be inspected by the archaeologist retained by the developer to identify any in situ archaeology. Any such discoveries will have to be excavated before their destruction by construction through a staged series of further works, including further full excavation and any post excavation analyses and publication, as required.

The main aims of the archaeological works would be to investigate and evaluate the site for buried and visible archaeology, record the surviving WWII remains and tell their story as fully as possible before it is redeveloped.

*Response - Noted. A watching brief condition can be imposed to meet the requirements of WoSAS. However, the applicant's agents have made the following observations: "We note the comments made by WoSAS in relation to "recorded archaeological sites" within the proposed development area - these are previously referred to in the Environmental Impact Assessment Section 6 - 1.3 Baseline Conditions. As can be seen from the Engineer's Report Ground Contamination, Clauses 1.3.20 - 1.3.28 of the EIA, both fall within severely contaminated areas, contaminants being, amongst others, heavy metals and asbestos, the dispersal of which constitute a severe health hazard. The principle set out in the ground engineer's report is to minimise ground disturbance on the site and to raise and cap the existing ground levels over all contaminated areas with a minimum of 300 mm of clean material. It is fundamental that digging, with the resultant exposure to asbestos fibres, be reduced to the absolute minimum and we would not therefore wish to create out any unnecessary exposure. On those limited areas where excavation is necessary, under the hotel, golf lodges, roads, paths and sewers, it would be possible for a record to be made of any "archaeological sites" which might be revealed, any such "recorder" would need to conform to the Health and Safety regime. EIA Section 6.0- 1.5.6, summarises the position. "The earthworks and remediation works are intended to minimise disturbance of contaminated soils in order to reduce the risk of exposure to the general public. This aim results in a shortfall of earthworks material to complete the land shaping exercise required to form the golf course and associated development. In view of this all arisings from excavations, including earthworks, foundations, roads and services will be required on site.*



*The reuse of arisings will comply with the requirements set out in Section 3 of the SEPA document 'Land remediation and waste management Guidelines'.*

**Irvine Community Council** - No comments.

**NAC Flood Officer** - No comments.

### **3. Analysis**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions by planning authorities shall be in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the Development Plan comprises the Ayrshire Joint Structure Plan (AJSP) and the North Ayrshire Local Plan (excluding Isle of Arran) (NALP). North Ayrshire Council's proposed Local Development Plan (LDP) is also a material consideration. Given the fact that both the NALP and the proposed LDP continue the strategy and themes of the AJSP it is not considered necessary that a direct assessment of the proposal against the AJSP is necessary.

The principal material consideration is the regeneration benefit that would be derived from the delivery of the proposed development, which is identified in the proposed LDP. The project is one of IBRC's priority projects, contained within the Irvine Bay Strategy Masterplan (2007) and Irvine Town Regeneration Plan (2008).

The proposal would be a major development that would result in a significant economic benefit to North Ayrshire through enhancing the tourism potential of the area, delivering increased visitor numbers, associated spend and additional employment. However, the proposal also raises various challenges in relation to access, design, contaminated land, environmental protection and ecology. The analysis will firstly review the proposal against adopted development plan policies, followed by the Development Control Statement criteria. Thereafter, other material considerations, namely the draft Local Development Plan policy for the area and the "market" housing component of the proposal will be assessed.

In terms of the Adopted Local Plan, the Beach Park area of the site is allocated for leisure and open space purposes. Policies OS 1 and OS 1A applies to this area. Policy OS 1 seeks to protect open space from development unless a proposal can be justified against a range of criteria. Policy OS 1A supports the upgrading of existing facilities or the provision of new sports and recreational facilities.

It is considered that the proposal would provide a positive opportunity to further enhance the amenity, character and appearance of the area. Reclamation work undertaken in the 1970s and 1980s was largely successful towards the northern area of the park, but less so in respect of the disused caravan park area. The development of the hotel and golf lodges at the northern area would result in the partial loss of what is currently an area of well maintained open space. However, this must be viewed in the context of a very substantial area of parkland and a large sandy beach, to which the public will continue to have access, and in relation to the underlying contamination of the land, across which the public currently have access. As has been noted in the supporting information, the remediation of contaminated land is a key issue affecting the proposal. The previous work undertaken by the Council and others, such as IDC, would be maintained, reinforced and continued.

There would be no loss of playing fields arising from the proposal, and the golf course would improve the quality and range of sports/leisure facilities within the area.

The development would result in the loss of land currently enjoyed for passive and active recreation. However, as noted above, this must be viewed against the context of a large public parkland and large sandy beach. In addition, passive activities, such as walking would be accommodated on the golf course and more active activities would be accommodated on new or diverted routes through the golf course. The actual use of the space would be increased by formalised use of the site.

Policy OS 1A supports the development of new and upgraded leisure and recreational facilities on land designated as open space. It is considered that, whilst this proposal would primarily focus on the attraction of visitors and tourists to the area, the development would also be accessible to the local community, and therefore complies with this policy. There are aspects of the proposal which do not comply with open space policies, such as the development of market housing, which will be considered below.

The existing, disused caravan park area has an additional policy allocation for tourism, TOU 5, which is a promotional policy which supports the further development of the Beach Park for a touring caravan park. It is considered that this proposal would be supportive of tourism development, although not as envisaged in the adopted Local Plan. The caravan park has not been operational for many years, and has attracted various anti-social activities as vehicular access is available. The proposal would result in a more managed form of tourism, with the creation of jobs in the area. It is considered that the spirit of this policy will therefore be achieved in terms of this proposal.

The southern part of the site is identified as countryside, where Policy ENV 1 applies. Policy ENV 1 presumes against development in the countryside unless it can be demonstrated that it meets a range of criteria, including compliance with Policy TOU 4.

Policy TOU 4 supports the development of tourist facilities in the countryside provided the development can demonstrate a site specific need, there is social and/or economic benefit to the area and it is of a scale and character that is not detrimental to the amenity of the area. In all respects, the proposal would satisfy the requirements of Policy TOU 4 in that there would be a site specific need to include the countryside to the south of the Beach Park within the golf course; there would be a social and economic benefit, as discussed both above and later in this report, and there would be improvements to the amenity of the area, especially in relation to the remediation of contaminated land. It is therefore considered that the proposal accords with Policies ENV 1 and TOU 4.

Part of the countryside area falls within the Western Gailes SSSI, and some of the land is currently known to be used for unauthorised quad biking and motocross activities. Several large tracks have been formed in the sand dunes by off-road bikers. The area is not typical "countryside" and is not used for agriculture, forestry or any other managed rural land use. An assessment in relation to the Western Gailes SSSI can be undertaken in relation to Policy ENV 6, which follows below.

The eastern part of the site, bounded by Marine Drive and the Glasgow - Stranraer railway, is allocated for industrial development in terms of Policies IND 6, IND 6A and IND 7. In particular, Policy IND 6A recognises that there are nature conservation issues affecting the land and requires that any development is contained within the western part of the site and also "facilitates the reinstatement of conservation interests on the balance of the site".

Whilst the proposal is not for an industrial development, the overriding purpose is for economic benefit. The proposed golf lodges within the allocated industrial area would support jobs and economic growth associated with the proposed development. Policy IND 6A seeks to restrict development to the west of the informal path through the industrial land. The proposal for golf lodges lies fully to the east of this area, leaving the majority of the site undeveloped. The agent has indicated that the only area of land to be developed would be that which fronts onto Marine Drive, and beyond the footprints of the lodges and access road, the remaining land to the north would remain as at present. This would provide protection to the majority of the wildlife site, as no industrial development or other development, could take place beyond the "frontage" and current issues such as fly tipping, fire raising would be better controlled. It is considered that, despite the loss of part of this wildlife habitat to development, the overall balance would remain in favour of nature conservation, which is the intention of Policy IND 6A. It is further noted that this form of development accords with the allocation for this site within the proposed LDP.

In respect of nature conservation, Policies ENV 6 and ENV 7 are of relevance. Policy ENV 6 takes into account international, national and local designations. The Marine Drive Triangle area, which is a local designation, has been discussed above. In relation to the area of the site which includes part of the Western Gales SSSI, which is a national designation, the proposal would result in the current unauthorised motocross uses being removed. Whilst there would be changes to the landscape within this area in order to form the golf course, there is considered to be sufficient mitigation contained within the proposal such that the objectives of the designation and the overall integrity of the area will not be compromised. Notably, the SSSI extends well into the Western Gales Golf Course, where a similar landscape exists, and the proposals would utilise methods during construction whereby the design would work with the grain of the landscape in order to conserve and protect nature conservation wherever possible.

In addition, many parts of the site have been developed for industrial purposes in the past and only partially remediated. Whilst ground disturbance will be required in certain areas of the site to treat contaminated land, it is considered that the overall benefits outweigh the potential disturbance of certain habitats. The development and future management of the site would enable habitats to be restored without the hazards of contaminated land.

Policy ENV 7, among other things, seeks to create new and improved "green corridors" and other linkages between sites of natural heritage value. The proposal would achieve these aims through the inclusion of corridors throughout the golf course for wildlife. The fact that many unauthorised uses which disturb the ground conditions would cease is welcomed.

Policy TRA 2 requires all significant development proposals to demonstrate that account has been taken of the needs of walkers and cyclists. The site is affected by the Core Path Network and National Cycle Network Route 7 which would be diverted as part of the development. Diversions would also apply to the Ayrshire Coastal Path.

The existing routes which cross the site would be diverted onto the most convenient alternative route, helping to promote active travel between the development and the town, as well as supporting the continued use of the core paths and national cycle network. The diversion of the Ayrshire Coastal Path away from the sand dunes nearer the beach, whilst regrettable, would not prevent walkers from using the foreshore. New routes would also be provided through the northern part of the site to provide connections to the Beach Park, which could also be used by members of the public as a route through the site.

Policy BE 13 encourages the provision of art in the community where it is appropriate to the setting of a development. As noted earlier, the existing stone dragon sculpture would be relocated. The applicant's agent agrees that this feature is a valuable piece of public art within the Beach Park and that it would be relocated at the applicants' expense. The new site for the dragon has not yet been decided, but this can be addressed by condition. It is considered that the new site must be within Beach Park, and not within the development land.

Policy BE 14 relates to the Council's design guidance, which in this case, the relevant document is the Coastal Design Guidance. The main issues relevant to this proposal arising from the Coastal Design Guidance is that new development should contribute to the themes of landmarks, coastal beacons, public spaces, and coastal walkways linked to destinations. The vision set out in the guidance seeks high quality design solutions which address the following issues:

- lead the way for distinctive, characterful development;
- provide an engaging and appealing setting for visitors and residents experience of the seaside;
- persuading visitors and locals to walk, rather than drive;
- develop a unique character which complements its waterfront location.

The Guidance highlights the "stunning landscape setting" of North Ayrshire's coastline and seeks to encourage good design to "once again create an attractive and exciting place to visit and live". In response, the applicant has submitted a Design and Access Statement in support of the proposal, which highlights that the hotel would be located on higher ground to create a strong visual focus for the development. The hotel would undoubtedly be a landmark on the coast, visible from throughout the golf course, Irvine Harbourside, Marine Drive and the beach. Some design changes to the elevations of the hotel were requested and these have now been submitted.

The architectural influences for the hotel are derived from other established golfing hotels on the Scottish coastline. Although this proposal would be larger in scale than, for example, Turnberry, the same basic concept has been followed. The principal elevation would face south west towards Ailsa Craig, with views from the hotel site to Arran and across the proposed golf course. The hotel would, in effect, "turn its back" to Irvine, restricting views towards the industrial estate and chimney stacks, which lie immediately to the east of the site.

The golf lodges would also be distinctive buildings, being neither suburban nor urban in character. Their design is clearly influenced by the proposed hotel, and their siting around informal "streets" within parkland settings would be closely related to the grain and character of the existing coastal landscape. Tree planting would further enhance the setting of the lodges.

As noted above, a series of routes for walking and cycling have been proposed to connect the development to the Beach Park, Harbourside, the seashore and long distance path networks. In summary, it is considered that the proposals have adequately addressed the issues raised by the Coastal Design Guidance in a positive way.

In relation to the Development Control Statement, the following assessment is provided:

(a) Siting, Design and External Appearance

As noted above, the siting and design issues have been comprehensively addressed by the applicant's agent in the submitted Design and Access Statement. Whilst some final external finishes require to be clarified, the overall proposal is considered to be worthy of support on the grounds that the aspirations and aims of the Coastal Design Guidance have been taken into account. Conditions can be imposed to seek final details of external finishes, landscaping details, refuse storage areas and related matters.

(b) Amenity

The proposed development would enhance the amenity of the area through the remediation of contaminated land and the development of a leisure/recreation resource that would grow North Ayrshire's tourism potential and support economic regeneration. New landscaping would be provided. Conditions to protect the fractional accommodation from the effects of railway noise and vibration can be imposed.

(c) Landscape Character

The proposed development would have a largely positive effect on the landscape character of the area, as the golf course design would work with the grain of the dunes and introduce management for their long term protection from erosion and pressures from unregulated and damaging activities.

(d) Access, Road Layout, Parking Provision

The proposed development would connect to the public road, cycling and walking network. The Pre-Application Consultation Report indicated that access was a particular issue of concern, and the original proposal presented at the Public Event in January 2012 was modified to take account of the matters raised. Although various diversions and alterations to the current arrangements would be required, the proposed development can be accommodated within the transport network without detriment to its efficiency or safety. The internal access roads and parking areas would be owned and managed by the resort operator.

(e) Water and Sewerage

No objections have been received from either SEPA or Scottish Water, who will continue to have a significant role in terms of licensing, SUDS and water/sewerage connections.

(f) Safeguarding Zones

There are no safeguarding zones which require to be considered.

(g) The Precautionary Principle

Whilst there are opposing views as to the suitability of the site for a proposed golf course due to natural heritage interests on parts of the site, there are presently numerous risks to human health arising from past industrial contamination. This proposal offers a way of resolving this industrial legacy in a manner that will also create new jobs and economic activity for North Ayrshire. The proposed development offers a means of combining improved land management, taking ecology into account, with the creation of a high quality tourism destination.

The proposed LDP represents the Council's current view. Policy TOU 3 supports the development of a golf course and hotel at Irvine Beach Park. The application site boundary closely follows the Policy TOU 3 land use allocation.

The proposal, with the exception of the "market" housing element, is therefore supported in principle in terms of the proposed LDP. As part of the business case to support the proposed development, the applicants have applied for the option of 70 of the golf lodges to be available for disposal on the open housing market. This figure has been arrived at from the applicants' own financial projections, and they have stressed that this is not their preferred option since it would result in a large financial loss, as the resale value of one apartment, based on prevailing market conditions, would be less than the value as fractional accommodation owned or managed by the resort operator. Each fractional apartment has the potential to generate long term income for the resort, whereas the sale of a unit to a third party would permanently terminate this income stream. The capital gain from such sales may help to reduce any financial loss, but the advice provided by the applicants on this issue is that it would not be preferable to do so. Consequently, there would be no real incentive to sell any of the fractional units as market housing. However, the applicant advises that this would be a key issue for any lender or investor in determining whether or not to finance the development. It is advised that the lenders require the security of being able to recoup some of their loans or investments in the event of the development failing in some way, eg. defaults on loan repayments, company insolvency, etc.. This issue is not unique to this type of development, and is reflective of a wider trend towards more restrictive lending criteria by financial institutions as a result of the banking crisis of recent years.

Planning decisions are to be based on material planning considerations, which does not typically include the viability or otherwise of a proposed development, unless there are issues such as site restoration to consider, eg. quarry or mining projects, which do not apply in this case. Therefore, the option to sell an apartment within a fractional ownership development to a member of the public would need to be assessed in terms of the land use planning implications, such as layout, siting and design, as distinct from the financial viability of the development.



Firstly, in terms of layout, siting and design, the proposed development has been masterplanned such that all apartments would be contained within blocks of four, each facing onto a "street". Each block would be set within a communally landscaped area, rather than as detached houses with independent access and garden arrangements. There would be no boundary enclosures around each golf lodge. Therefore the development can be seen as one planning unit, comprising of the hotel, golf course and golf chalets. There is no suggestion that a particular group of blocks or specific apartments would be potentially sold off in the event of a financial loss, and nor would any land associated with any given apartment be offered for sale. Therefore, in physical terms, the occupancy of an apartment by a private householder as opposed to a tourist would not result in any material physical difference in terms of the way the site appears or operates. The network of streets within the site would continue to be privately owned and maintained, as opposed to a public, adopted road.

Secondly, in terms of access to the local services provided within Irvine, the site is located favourably in relation to shops, schools, health services, recreation facilities, open space, and public transport. Refuse collection would require to remain a responsibility of the site operator, rather than that of the Council. An appropriate condition would control any change from tourist to market housing if the need should arise, which would also avoid tranches of the apartments being sold off in groups and thereby threatening the integrity or cohesiveness of the overall development as a holiday resort.

In summary, whilst the various challenges relating to the site are recognised, a considerable body of specialist opinion and advice has been provided by the applicants and consultees. The responses have informed the proposed planning conditions to address issues including the remediation of contaminated land, ecology, and access.

It is considered that, on balance, the benefits of regeneration and remediation of contaminated land arising from the proposal would outweigh the potential for habitat disturbance and any implications for the current pattern of land use. Whilst the proposal would have certain environmental effects, particularly during construction, it is considered that these effects can be mitigated using appropriate techniques and methods. The resulting development would offer improved land management and long term benefits for leisure, recreation, employment and ecological interests. For these reasons, it is recommended that planning permission is granted subject to the conditions attached in Appendix 1.

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

See Appendix 1.

A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
22 May 2013

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

AH/FG

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00015/PPM**

Grant subject to the following conditions:-

1. That, prior to the commencement of the development, the applicant shall undertake an agreed full and detailed Site Investigation and Quantitative Risk Assessment and prepare a Remediation Strategy, which shall include measures for the treatment of any invasive species within the site, to the satisfaction of North Ayrshire Council as Planning Authority. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority.
2. That, on completion of the proposed works, written verification from a suitably qualified Environmental Consultant detailing the remediation measures undertaken, shall be submitted to North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, hereby approved, a detailed drainage plan shall be submitted for the development, including full details of the proposed diversion of the Broadhow Burn. For the avoidance of doubt, the Broadhow Burn outfall shall be well away from the SSSI and to the satisfaction of North Ayrshire Council as Planning Authority in consultation with SNH. In addition, confirmation that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, such a scheme shall be self certified by a suitably qualified person, a copy of which shall be submitted to North Ayrshire Council as Planning Authority. Thereafter, the certified scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of the development, waste management plans indicating how waste will be minimised and managed during (a) the construction phase and (b) the operational phase shall be submitted for the written approval of North Ayrshire Council as Planning Authority. This shall include details of waste management arrangements for the hotel and golf lodges.
5. That, prior to the commencement of the development, details of the phasing of the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with the phasing plan as may be approved unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

6. That, prior to the commencement of the development, full design details for all of the new paths (including NCN 7, Core Paths, Ayrshire Coastal Path and all other routes), which shall be to multi-user and all-abilities access standard, the new roads and road re-alignment works, new parking areas, and new roundabout, together with details of interim measures to safeguard linkages where existing sections of routes are being diverted, details of alternative parking areas during construction and details of signposting (both during and after construction operations) shall be submitted for the written approval of North Ayrshire Council as Planning Authority in conjunction with Scottish Natural Heritage. Any infrastructure improvements, alterations, additions and/or removal shall conform to the current local and national guidance, all to the satisfaction North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.
7. That, prior to the commencement of the development of the golf lodges adjacent to either side of Marine Drive, a noise impact assessment prepared by a suitably qualified person and in accordance with the Technical Advice Note of PAN 1/2011 shall be undertaken to identify the noise control measures which are required to ensure that the following noise levels are not exceeded at or adjacent to any of the proposed noise sensitive properties:

LAeq, 16 hour (0700-2300) (day) : 50 db  
LAeq, 8 hour (2300-0700) (night): 40 db.

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

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

9. That, prior to the commencement of the development the developer shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the finished ground and building floor levels, external finishes for all buildings, and details of storage buildings, bin enclosures, sub-stations, lighting, feature walls and boundary treatments within the development, together with details of any minor design changes.
10. That, prior to the commencement of the development, details of an alternative site within the Beach Park for the dragon sculpture shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, prior to the commencement of the development, the dragon shall be dismantled, carefully stored and re-erected on the approved site, all to the satisfaction of North Ayrshire Council as Planning Authority.
11. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping for each development phase, which shall include details of species, planting densities, soil treatment and aftercare and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development.
12. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority, in conjunction with Scottish Natural Heritage, an Estate Management Plan (EMP). This shall include both the golf course and path management. An annual review of the EMP shall be undertaken and shall include the obligation to alter estate management practices, including path construction, design and location, should the paths associated with this development increase the damage to the SSSI.
13. That a project ecologist, approved by North Ayrshire Council as Planning Authority, shall be appointed by the developer or agent, as appropriate, prior to the commencement of the development in order to supervise all site operations which involve ground disturbance, vegetation clearance, soil tipping, drainage works, habitat disturbance and other operations as detailed in the Construction Method Statement. Furthermore, prior to the commencement of the development, hereby approved, a follow-up report to the Construction Method Statement shall be prepared, detailing all measures to be taken to safeguard the ecology of the site, both during construction and the subsequent operation of the development. The report shall be submitted for the written approval of North Ayrshire Council as Planning Authority and, thereafter, the details as may be approved shall be implemented during the construction and operational stages of the development.

14. That the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.
15. That the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by West of Scotland Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority in writing not less than 14 days before the development commences.
16. That no vegetation clearance, digging, or soil stripping shall be carried out during the bird breeding season (March to July inclusive) in any part of the development site unless a breeding bird survey is undertaken immediately prior to the undertaking of any such works to identify any potential nesting sites which may be affected, together with details of measures to safeguard such nests.
17. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the completion of each phase of the development. Any trees or plants which, within a period of five years from the completion of each phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
18. That the occupation of the apartments within the golf lodges shall be limited to fractional holiday accommodation, including the option of a maximum of 70 units available for sale as market housing in the event of a special need arising following their initial use. For the avoidance of doubt, the initial use of all lodges and units built shall be as fractional holiday accommodation. Details of any special need which may arise shall be notified to North Ayrshire Council as Planning Authority, which shall include details of the plot number(s) affected. Any fractional units disposed of in this way shall not be concentrated within any one area of the development in order to safeguard integrity and cohesiveness of the overall development as a holiday resort.

19. That notwithstanding the permitted development rights granted by the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development within the application site.
20. That, prior to the commencement of the development, a travel plan shall be produced which shall include details of cycle parking provision within the development site. For the avoidance of doubt, the level of cycling provision shall be in accordance with the Cycling Action Plan for Scotland and provide for 10% of peak visitor numbers and staffing levels. Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To meet the requirements of Environmental Health.
2. To meet the requirements of Environmental Health.
3. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
4. To meet the requirements of the Scottish Environment Protection Agency.
5. In the interests of the proper planning of the area.
6. To meet the requirements of North Ayrshire Council as Roads Authority.
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. To safeguard an important piece of public artwork within Irvine Beach Park.
11. In the interest of the amenity of the area.
12. To meet the requirements of SNH.
13. To manage the mitigation measures for ecology of the site.
14. To meet the requirements of Environmental Health.
15. To meet the requirements of the West of Scotland Archaeology Service.

16. To protect nesting sites during construction operations.
17. In the interests of amenity.
18. To reflect the special need/justification for the development.
19. To restrict the development to the terms of its justification/special need.
20. To provide for sustainable modes of transport.

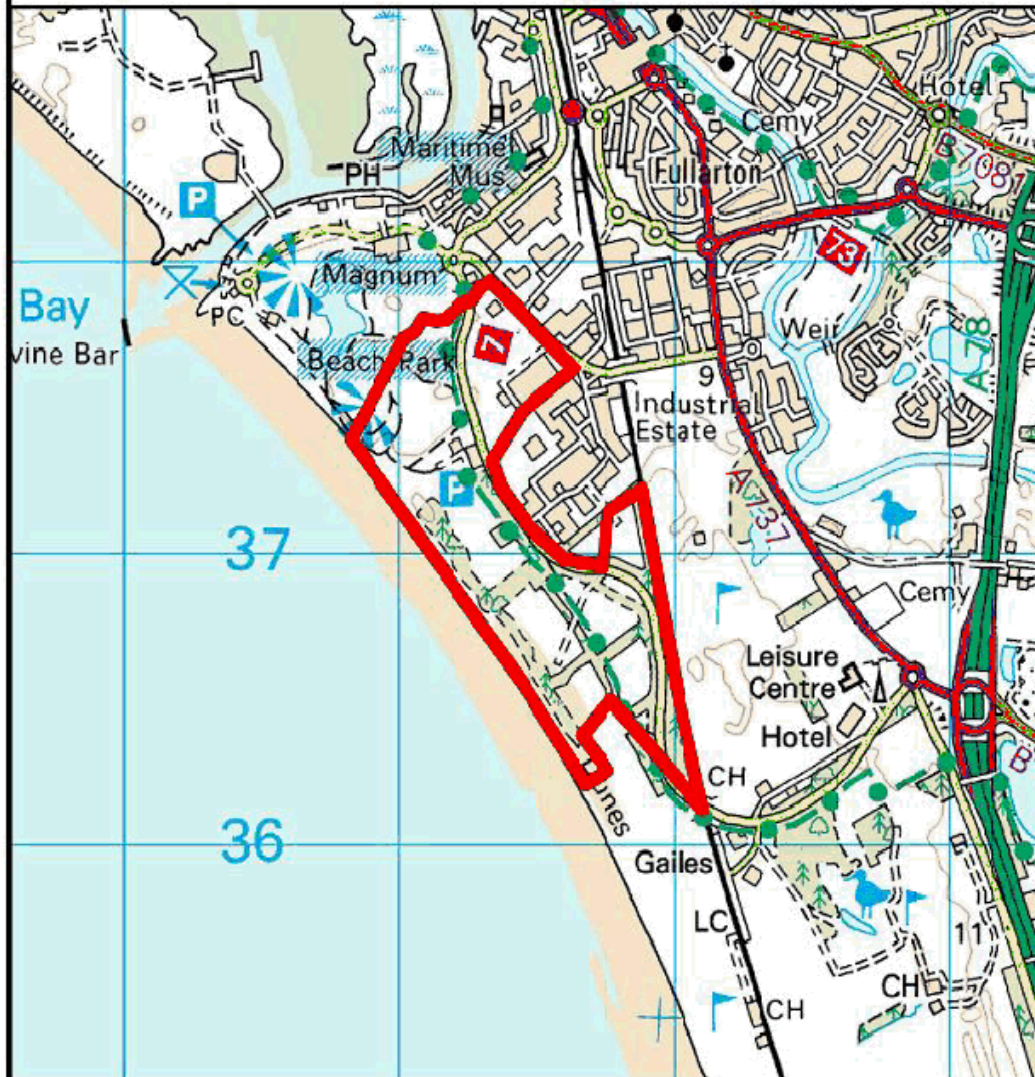
Reason(s) for approval:

1. The proposal does not comply with the relevant provisions of the development plan, however other material considerations indicate otherwise and planning permission should be granted.



# Committee Plans

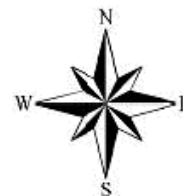
13/00015/PPM



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

Not To Scale





---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 6**

Planning Committee

**5 June 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00261/PP**

Application

**2nd May 2013**

Registered

Decision Due

**2nd July 2013**

Ward

**North Coast & Cumbraes**

---

<b>Recommendation</b>	<b>Agree to grant subject to (i) no significant objections being received before 5 June 2013, and (ii) the conditions contained in Appendix 1</b>
-----------------------	---

---

<b>Location</b>	Public Garden Warrenpark Road Largs
-----------------	---

<b>Applicant</b>	Largs Events 49B George Street Largs KA30 9AL
------------------	--

<b>Proposal</b>	Formation of Viking Memorial Garden in the existing public garden
-----------------	---

---

## **1. Description**

This is a planning application for the formation of a Viking Memorial Garden within the existing public garden, located between May Street, Acre Avenue and Warren Park Road, Largs. The site covers an area of approximately 0.22 ha and is currently a public garden, with 13 memorial benches adjacent to the path. There are residential properties to the north-east, east and south of the site, there is open space to the north on the opposite side of May Street and the promenade and the shore are to the west of the site.

The main focus of the Viking Memorial Garden would be located within the centre of the public garden to replace the existing rose beds. It would consist of eight thrones (set at the points of the compass) and one table. The thrones would be approximately 1.5 metres deep, 1.8 metres wide, 1.2 metres high and the thrones would be built using local stone. The table would be located within the centre of the thrones, would have a local stone base and the top of the table would be of sandstone and stone cobbles. Within the centre of the table there would be a time capsule chamber. The existing memorial benches would be relocated around the perimeter path of the Viking Garden and provision is made for additional benches. Planting would take place adjacent to Acre Avenue and a wild meadow area would be formed adjacent to the thrones and table. The Viking Memorial Garden would be a permanent feature.

Planning permission is only required for the thrones and the table. This development does not constitute a change of use, as it would still be used as a public garden/area of open space. The site is owned by North Ayrshire Council.

The Viking Memorial Garden is to commemorate the 750th anniversary of the Battle of Largs in 1263. The agent has advised that this project was initially proposed in 2005 and at the Largs in Bloom Committee on the 24th November 2005, North Ayrshire Council agreed in principle to the memorial garden, subject to further details being submitted and agreed. The agent has advised that discussions took place between Largs Events and NAC Streetscene in 2012. Supporting information submitted by the agent states that they consider that this public garden would be the ideal location, as it provides peace and quiet, adjacent to the promenade and overlooks the bay where the battle was reported to have taken place. Alternative sites have therefore not been investigated.

The application site is located within an area of leisure and open space as identified within the North Ayrshire Local Plan (Excluding Isle of Arran). Policy OS 1 of the adopted Local Plan relates to the protection of open space, which states that the development of land identified on the local plan map as protected leisure and open space, including school playing fields, and small areas of recreational and amenity open space, not individually identified on the Local Plan map, shall not accord with the Local Plan unless it can satisfy the following criteria:

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

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

## **2. Consultations and Representations**

Neighbour notification has been carried out and the application was advertised in local press on 15th May 2013. To date, one letter of representation and twenty five letters of objection have been received (3 of these relate to second objection letters). The grounds of representation/objection can be summarised as follows:

### **Grounds of Representation:**

1. Whilst there is support for initiatives to promote visitors to Largs, concerns have been raised about who will police the area at night.

*Response: This a matter for the Police. Change of use is not proposed and permission is solely required for the thrones and table.*

### **Grounds of Objection:**

1. Notification was not received regarding the planning application. The proposed development would have a significant impact on the residential area and in summer evenings large groups of young people would be attracted to the area drinking/partying, making noise, leaving litter and damaging public property. This facility would act like a magnet for this type of behaviour and should not be encouraged. The proposal should be built near the centre of the town where it can be appropriately supervised.

*Response: neighbour notification is required for land within 20 metres of the application site, which was carried out on the 2nd May 2013. The application was also advertised in the local press. As the site is currently used as a public garden, there is no change in use and planning permission is solely required for the formation of the thrones and table (as discussed above). It is therefore considered that the proposed development would not have a significant adverse impact on the residential area, as people could currently congregate on the existing areas of open space. As noted above, issues of anti-social behaviour are a matter for the Police to investigate, and litter would be a management issue for the applicant.*

2. Commemoration is a good idea, however the proposed location is inappropriate. It should be nearer the centre of the town making it more accessible. It should be located in such a manner that an additional attraction can be enjoyed rather than replacing an existing one of such high quality. It has been suggested that it should be located either at the Pencil or the Vikingar. The current garden is used by locals and visitors all year round and is popular with retired people living in nearby flats who do not have their own garden. The existing garden is well maintained by North Ayrshire Council and should remain as open space for the community. Concerns have been raised with the cost of the project and why it is being proposed.

*Response: as discussed above, there is not a change of use involved . The garden will still be used as a public garden/open space and the memorial benches would remain. Anti-social behaviour is a Police matter (as discussed above). The proposal has been put forward by Largs Events to commemorate the 750th anniversary of the Battle of Largs in 1263 and the costs are not a material planning consideration The agent has confirmed that alternative sites have not been investigated as they consider this site to be the ideal location.*

3. No consideration has been given to the residents on Acre Avenue as the proposal includes an entrance from Acre Avenue with steps down into the garden, which would encourage more traffic making a quiet residential area busy, noisy and congested. The steps would create a safety hazard. The planting adjacent to Acre Avenue would block the views from Acre Avenue.

*Response: it is considered that there would be no significant adverse impacts in terms of parking. With regard to the proposed steps, the public garden area can also be accessed from May Street/Warrenpark Road, where there are no steps proposed. A planning condition could require further details of the steps. The loss of a view is not a material planning consideration in the determination of the planning application, however as the public garden is at a lower level than Acre Avenue, it would not be a significant issue.*

4. The structure would be totally out of keeping with this residential environment, would destroy picturesque gardens in a residential area and would spoil views.

*Response: The thrones would be 1.2 metres high at their maximum point and would therefore not be significantly different to other types of furniture in other areas of open space. The loss of a view is not a material planning consideration (as discussed above).*

5. No details on the species and height of the proposed vegetation adjacent to Acre Avenue have been submitted. This proposed vegetation is unnecessary and could encourage litter amongst the vegetation. The design of the garden does not appear to mix the formal and informal elements successfully and the wild meadow area would require to be carefully maintained. The wild meadow would not be attractive. Exact details of the sandstone to be used for the thrones and table have not been submitted.

*Response: planning conditions could be imposed with regard to the planting adjacent to Acre Avenue, the wild meadow and details of the sandstone. As discussed above, litter is a management issue for the applicant.*

## **Consultations**

**NAC Estates/Streetscene** - no objection in principle to the proposed development subject to the formal terms and conditions being agreed between Largs Events and the Council regulating the use of the ground, however there is a lack of detail which makes it difficult to assess whether the construction of the structures would be sound. The design detail does not give any information on the foundations needed for the thrones or table. A detailed cross section drawing of the thrones showing how the stones will be laid, fixed and supported would need to be submitted. There are no details relating to the landscaping proposals, the furniture (benches) or the proposed steps and who will take responsibility for the maintenance and management of the site after it has been constructed.

*Response: the agent has confirmed that the details of the steps, handrails, thrones and table would be the subject of a Building Warrant and would be passed to Streetscene/Estates for comments, however these matters could be addressed by planning conditions in addition to the details of the maintenance and management of the site. The existing memorial benches would remain within the site. A planning informative could direct the applicant contacts Estates regarding the lease.*

**Largs Community Council** - object to the proposals as it is not in keeping with the area and there is no indication of how the thrones will be affixed to the ground to prevent them from being toppled over. Concerns have been raised about the design of the thrones and the site will become a gathering place for undesirable elements, leading to noise, disturbance and public disorder. The gardens would be more appropriately sited at the Pencil.

*Response: as discussed above, a planning condition could address the design of the thrones, which could include the method of affixing the thrones to the ground. Planning permission is solely required for the erection of the thrones and table, it is considered that the development would not have a significant adverse impact on the amenity of the area. Issues of anti-social behaviour are a Police matter. The siting issue has been discussed above under the grounds of objection.*



### **3. Analysis**

The application site is located within an area of leisure and open space as identified in the adopted Local Plan, therefore the proposal requires to be assessed against Policy OS 1 of the adopted Local Plan. The planning application does not relate to a change of use and solely relates to the formation of a Viking Memorial Garden comprising eight thrones and a table, therefore there would be no loss of open space. It is considered that the development would not have a detrimental impact upon the amenity, character and appearance of the area and the proposal would comply with Policy OS 1.

The proposal would also require to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan where it relates to siting, design and external appearance and its impact on amenity.

The Viking Memorial Garden would be located within an existing public garden and the thrones and table would be within the centre of the garden, within the location of the existing rose beds. The thrones and table would be screened from Acre Avenue and May Street by landscaping, therefore it is considered that their siting would be acceptable. The design and external finishes of the thrones and table are considered to be acceptable, however it is considered appropriate to impose a planning condition to ensure that details of the external finishes are submitted for prior written approval.

With regard to amenity, it is acknowledged that concerns have been raised about anti-social behaviour, however this would be a matter for the Police and is not a material planning consideration. The area is currently a public garden with bench seating, which could currently attract anti-social behaviour. A change of use is not proposed. It is considered appropriate to impose a planning condition to ensure that details of the landscaping including the wild meadow area are submitted for prior written approval. It is considered that the formation of the thrones and table with associated landscaping would not have a significant adverse impact on the residential amenity of the area.

The proposal would accord with Policy OS 1 and the relevant criteria of the Development Control Statement of the adopted Local Plan.

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

See Appendix 1.

A handwritten signature in black ink, appearing to be 'CH', written over a horizontal line.

**CRAIG HATTON**  
Corporate Director (Development and Environment)

Cunninghame House, Irvine  
21 May 2013

For further information please contact Julie Hanna, Planning Officer , on 01294  
324330

JH/HW/FG

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00261/PP**

Agree to grant subject to (i) no significant objections being received before 5 June 2013, and (ii) the following conditions:-

1. That, prior to the commencement of the development, details relating to the formation of the steps (and handrails) from Acre Avenue, the external finishes to the table and thrones and details of how the thrones would be affixed to the ground, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. For clarification, a cross-section drawing of the thrones to illustrate how the stones would be laid, fixed and supported, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, details of a landscaping scheme relating to the wild meadow area and the planting adjacent to Acre Avenue (including timescales) and the person/company responsible for the maintenance and management of the site after it has been constructed, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

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

1. In the interest of the amenity of the area.
2. In the interests of the amenity of the area and to ensure the proper management and maintenance of the area.

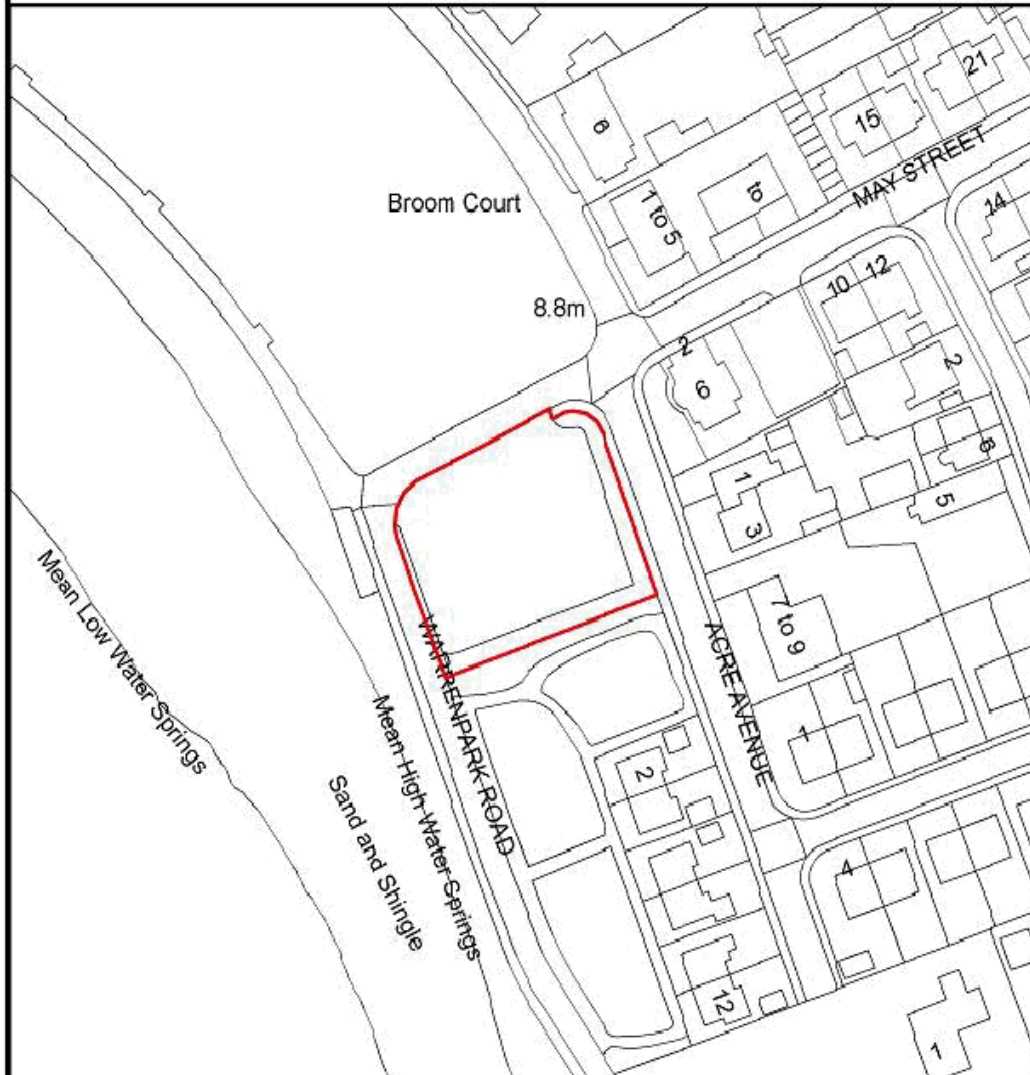
Reason(s) for approval:

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



# Committee Plans

13/00261/PP



**NORTH AYRSHIRE**  
COUNCIL

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

**Not To Scale**

