



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

9 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 15 MAY 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 24 April 2013 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Garnock Valley

Submit reports on the following applications:-

3.1 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

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

Installation of underground septic tank and associated soakaway

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

Change of use from open space to form garden ground

(copies enclosed).

4. Irvine/Kilwinning

Submit reports on the following application:-

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

Demolition of industrial building(s) and 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

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

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

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

Removal of Condition No. 2 of Planning Permission (ref. 11/00636/PP) to permit the permanent siting of a snack bar

(copies enclosed).

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

Submit report by the Corporate Director (Development and Environment) on a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area (copy enclosed).

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

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

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

Submit report by the Corporate Director (Development and Environment) on the notification by Scottish Natural Heritage that land at Portencross Coast is proposed for renotification as two separate smaller sites of special scientific interest (copy enclosed).

8. Proposed Development Brief: Perceton House, Irvine

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

9. 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
24 April 2013

IRVINE, 24 April 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, Jim Montgomerie and Robert Steel.

In Attendance

J. Miller, Senior Planning Services Manager (Development and Environment); A. Craig (Team Manager - Litigation) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Ronnie McNicol and Tom Marshall.

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 13 March 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Ardrossan, Saltcoats and Stevenston

3.1 11/00766/PPM: Ardrossan: Dock Road: Ardrossan Marina

Irvine Bay Developments Ltd, 43 Ardrossan Road, Saltcoats have applied for planning permission for the extension to Ardrossan Marina, comprising new breakwater, marina facilities building, improved access arrangements, car parking and boat storage, a new pedestrian link bridge and a drop-off car park facility at Ardrossan Marina, Dock Road, Ardrossan. 23 objections and one letter of representation have been received, as detailed in the report.

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

1. That, unless otherwise provided for by the terms of this permission, the applicant shall construct and operate the development in accordance with the provisions of the application, the Environmental Statement and submitted plans and, where necessary, shall implement recommended mitigation measures contained in the Environmental Statement to the satisfaction of North Ayrshire Council as Planning Authority.
2. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a customer and staff parking management plan with the aim of preventing the use of adjacent and nearby public roads, and parking bays within Mariners View by vehicles associated with the Marina use. The management plan should also include details of enforcement measures to secure compliance.
3. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of (i) the proposed facilities building, (ii) the pedestrian link bridge, (iii) the proposed fencing around the secure compound within the drop-off car park, and (iv) provision for storage of refuse containers within the drop-off car park.
4. That prior to the commencement of the development the applicant shall submit information to demonstrate to the satisfaction of North Ayrshire Council as Planning Authority that the proposed facilities building has been designed to be protected against a 1:200 year extreme still water level derived from the Coastal Flood Boundary Method (3.61mAOD).
5. That no construction shall take place during the bird breeding season unless the use of nest sites within the application site is prevented prior to the commencement of the bird breeding season.
6. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority (i) details of alternative nest sites, comprising a minimum of 5 nest boxes, to be provided in locations unaffected by the development, and (ii) proposals for the incorporation of new black guillemot nest sites within the breakwater structure.
7. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the drop-off car park and facilities building in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

8. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.

9. That the applicant shall ensure that vehicular access is maintained to the 'Inner Roll-on/Roll-off berth' at Winton Pier at all times and that prior to the commencement of the development shall submit for the written approval of North Ayrshire Council as Planning Authority and amended layout plan of the car park/boat storage area to indicate the proposed vehicular route between the berth and the main harbour access road.

10. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed drop-off car park, including surface treatment, ground levels, access control barrier, and drainage proposals, and that prior to the use of the berths hereby approved, the drop-off car park shall be fully constructed to the satisfaction of North Ayrshire Council as Planning Authority.

3.2 11/00685/PPPM: Ardrossan: Montgomerie Street: Ardrossan Harbour

Ardrossan North Shore LLP, 43 Ardrossan Road, Saltcoats have applied for planning permission for the proposed redevelopment of the site, providing mixed use development comprising residential units, nursing home, commercial units, distributor road and coastal defence works, at Ardrossan Harbour, Montgomerie Street, Ardrossan. 4 objections and 6 representations have been received, as detailed in the report.

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

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

2. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. 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 to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.

3. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a Strategy for Open Space which shall include proposals for (i) the provision of open space and play provision, in accordance with the North Ayrshire Council policy "Provision and Maintenance of Landscaping, Open Space and Play Areas in New Housing Developments" together with proposals for the management and maintenance thereof; (ii) the protection, upgrading, management and maintenance of the Core Path (Right of Way) and Ayrshire Coastal Path which pass through the site; and (iii) the diversion of the National Cycle Route through the site, together with proposals for the management and maintenance thereof.

4. That prior to the commencement of the development, hereby approved, the applicant shall submit a revised Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.

5. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, proposals for the implementation of the proposed coastal defence works, including details of ownership, management, and inspection and maintenance measures.

6. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
7. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) supplementary Transportation Assessments; and (ii) Flood Risk Assessments.
8. That the proposed nursing home, and any other essential civil infrastructure, shall be protected from the 1:1000 year extreme still water level, as derived from the Coastal Flood Boundary Method, (3.96mAOD).
9. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and North Ayrshire Council's Neighbourhood and Coastal Design Guidance to the satisfaction of North Ayrshire Council as Planning Authority.
10. That the proposed commercial component of the proposed development shall be limited to Marina uses or marine related uses only and for no other purpose (including any other purpose in Classes 2, 3, and 4 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 or in any provision equivalent to those Classes in a statutory instrument revoking or re-enacting that Order) unless North Ayrshire Council as Planning Authority gives written consent to any variation. For the avoidance of doubt, Class 1 (retail) uses shall require to serve a local area and satisfy the requirements of relevant Local Plan policy.
11. That all coastal defence work shall be provided to a standard to meet the 1:200 year extreme still water level derived from the Coastal Flood Boundary Method.
12. That the height of any flatted properties shall be generally consistent in scale with properties in Mariners View.
13. That no direct vehicular access shall be formed between the application site and Mariners View.

4. Irvine/Kilwinning

13/00184/ADC: Kilwinning: 3 Almswall Road

Shona Thorne, Thorne Travel, 172 Main Street, Kilwinning has applied for planning permission for the erection of two internally illuminated fascia signs to the front and side of the shop at 3 Almswall Road, Kilwinning.

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

1. That the display shall be for a period of 5 years from the date of this consent.

5. North Coast and Cumbraes

13/00080/PP: Largs: The Promenade: Beachcombers

Ross Irvin, 39 Donald Wynd, Largs has applied for planning permission for the siting of a static hot food kiosk at Beachcombers, The Promenade, Largs.

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

1. That the use hereby permitted shall be discontinued and the land restored to its former condition on or before the 24 April 2016.
2. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.
3. That, prior to the commencement of the development, details of the retractable canopy, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority.

The meeting ended at 2.10 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

Planning Area

15 May 2013**Garnock Valley**

Reference

12/00526/PP

Application

25th September 2012

Registered

Decision Due

25th November 2012

Ward

Dalry & West Kilbride

Recommendation	Refuse for Reasons Contained in Appendix 2
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Location	Site to North of Baidland Hill Dalry
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Applicant	Community Windpower Godscroft Lane Frodsham Cheshire
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Proposal	Extension to existing wind farm comprising of two additional wind turbines measuring 74.5m high to hub and 125m high to blade tip
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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.

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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

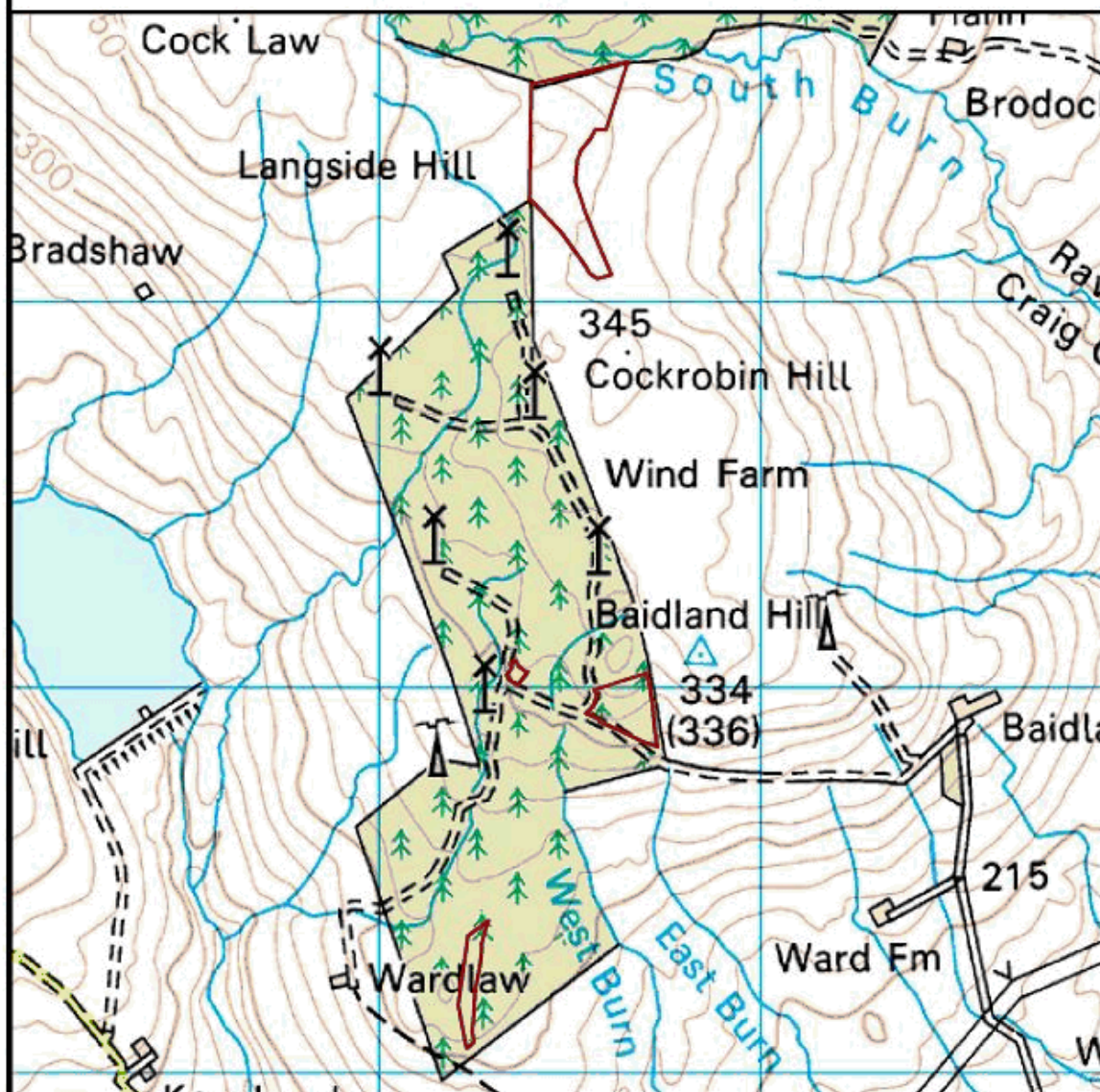
RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00526/PP

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

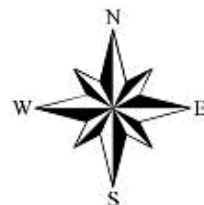
12/00526/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

Planning Area

15 May 2013**Garnock Valley**

Reference

13/00112/PP

Application

21st March 2012

Registered

Decision Due

21st May 2013

Ward

Kilbirnie & Beith

Recommendation	Grant as per Appendix 1
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LocationKyle Water Ski Club
Glengarnock
Beith**Applicant**Kyle Water Ski and Wakeboard
The Boathouse
Lochshore
Kilbirnie Loch**Proposal**Installation of underground septic tank and
associated soakaway

1. Description

This application seeks planning consent for the installation of an underground septic tank and associated soak away at the Kyle Water Ski Club, Glengarnock, Beith. It is proposed to install a septic tank and flushing toilet facilities within the Boathouse to replace the existing chemical facility. It is also proposed to install a shower facility which the applicant advises has previously not been possible due to lack of waste water disposal. The tank and soakaway and associated connection would be entirely underground and the only "above ground" changes would be a an inspection cover 840mm in diameter. The septic tank would measure 2.25m x 1.6m and would be approx. 2m below ground, the soakaway would also have a surface area of approx. 50sqm.

The application site relates to the Kyle Water Ski Boat House which lies adjacent to the car parking area at the south end of Kilbirnie Loch. The application site is located within an area of leisure and open space as identified within the adopted North Ayrshire Local Plan (Excluding Isle of Arran) and requires to be assessed against Policy OS1A (New and Upgraded Leisure and Recreational Facilities) which supports the upgrading of existing recreational facilities in such areas.

The application site is also located within a sensitive landscape character area and the Clyde Muirshiel Regional Park as identified within the Local Plan. As such, the proposal requires to be assessed against Policies ENV5 (Sensitive Landscape Character Areas) and ENV5A (Clyde Muirshiel Regional Park). Policy ENV5 seeks the conservation and enhancement of the landscape and states that development in this area shall only accord with the Local Plan if it promotes the needs of Clyde Muirshiel Regional Park, agriculture, forestry or the general social and economic well being of the area. Policy ENV5A also states that development within this area shall only accord with the Local Plan where it can be demonstrated that the development is appropriate in design and scale to its surroundings, there is no significant adverse effect on the intrinsic landscape qualities of the area and shall not result in unacceptable intrusion or have a significant adverse effect in the natural or built heritage of the park.

Policies INF4 (Waste Water Treatment), INF6 (Flooding) and the Development Control Statement (DCS) are also relevant.

Planning permission was approved in May 2009 for a temporary period, which expired in May 2011, for the siting of a portacabin for storage purposes (Ref: 09/00253/PP). The applicants have advised that the portacabin will be removed as they are seeking a permanent solution.

The applicants have also submitted a supporting statement advising that the proposal would enhance the sport facility by allowing a more hygienic and user friendly solution. Details of the existing waste water disposal practice have been provided where the nearest facility for disposal is at Largs Marina. The proposal would negate the need to travel on average 8 times per season for disposal. The applicant has confirmed that a connection to the street water main would be over 250m long which is not viable.

2. Consultations and Representations

Neighbour and owner notifications have been carried out and the application was advertised in the local press on 27 March 2013. No objections/representations have been received.

Consultations

SEPA - No objections. It is noted that the application involves proposals that are largely sub-surface and should therefore not have a significant detrimental effect on the floodplain storage, conveyance or local flood risk.

Response: Noted.

Development Planning Services (Flooding & Structural Design) - No objections.

Response: Noted

Coal Authority - No objections.

Response: Noted.

3. Analysis

With regards to Policy OS1A, it is considered that the proposal would provide a much needed solution and improve the facilities for both water ski members and visitors. As the proposal would primarily be underground it would not lead to a net loss of open space and provide an improved facility for an existing recreational use. Therefore the proposal would accord with Policy OS1A.

With regards to Policies ENV5 and ENV5A, it is considered that as the proposal would primarily be underground and any "above ground" changes would be minimal, it would not have a significant effect on the landscape qualities or natural or built heritage of the Clyde Muirshiel Park. Therefore the proposal would accord with Policies ENV5 and ENV5A.

Policy INF4 relates to proposals associated with waste water treatment, in this regard it has been demonstrated, as detailed in the supporting statement, that the site is the Best Practical Environmental Option (BPEO) and that the scheme consists of the Best Available Techniques Not Entailing Excessive Cost (BATNEEC). The proposal would not have a significant adverse effect on the amenity of the area. There would be no requirement for additional landscaping. The proposal complies with Policy INF4.

Policy INF6 (Flooding) criterion (a) is not considered to be relevant. Criterion (b) requires that development, within areas which are identified to be at risk of flooding may require a flood risk assessment (FRA), to demonstrate that any risk of flooding can be satisfactorily mitigated without affecting the risk of flood elsewhere. In this regard, although the site is within an area identified as being at risk from flood, as noted above in the response to the consultation from Development Planning Services (Flooding & Structural Design) and SEPA, it is not considered that there would be any significant flood risks arising from the development.

The proposal also requires to be assessed against the relevant criteria listed in the DCS of the Local Plan. It is considered that, for the reasons given above, the proposed development would not have a significant adverse impact on the character, appearance or amenity of the surrounding area. The proposal accords with the DCS

As the proposal complies with the provisions of the development plan, and there are no other material considerations, planning permission should be granted.

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
5 April 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00112/PP

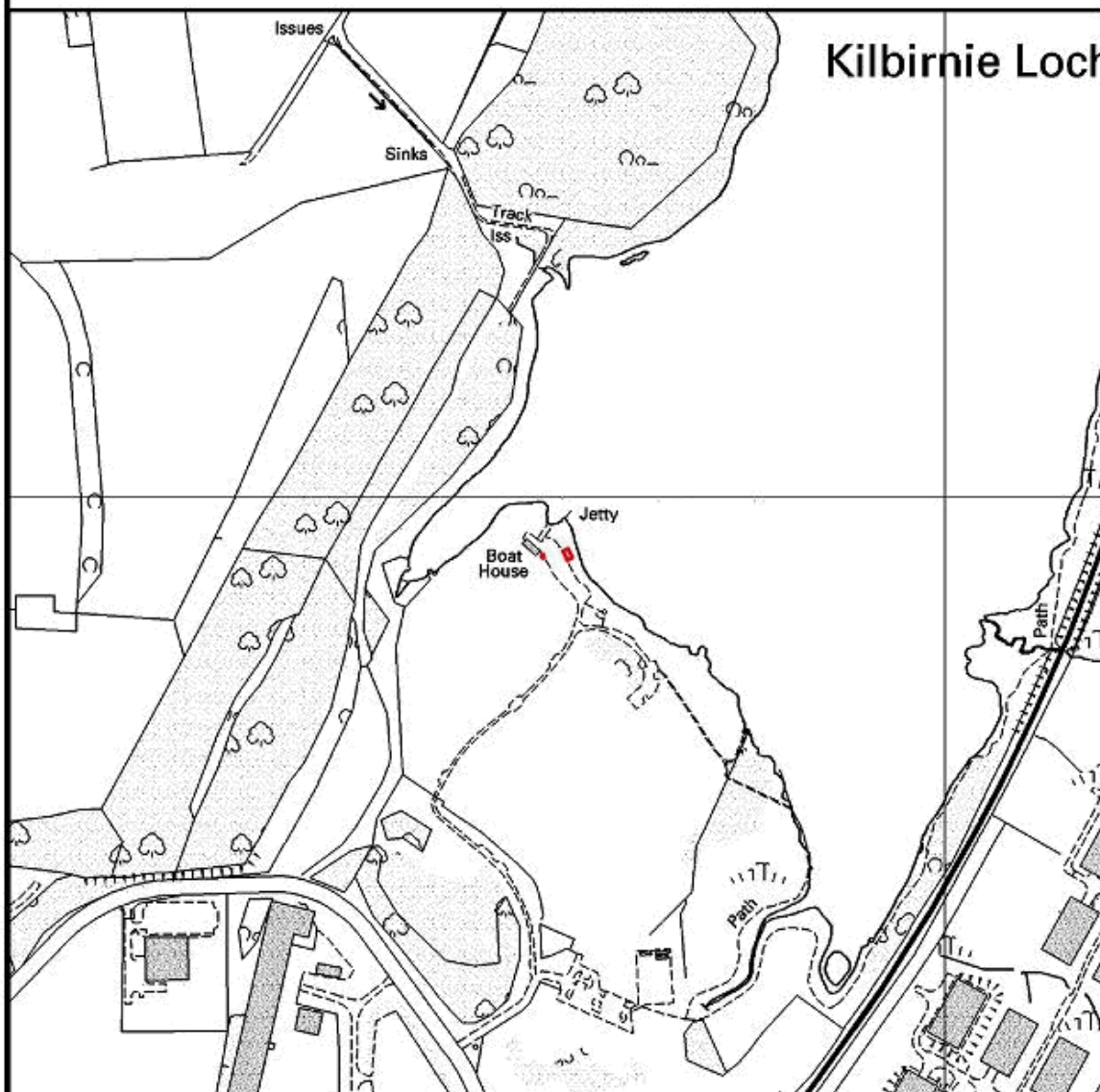
Grant (No conditions).

Reason(s) for approval:

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

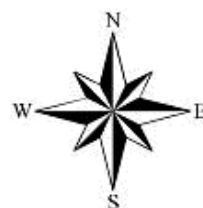
Committee Plans

13/00112/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 3.3

Planning Committee

Planning Area

15 May 2013**Garnock Valley**

Reference

13/00198/PP

Application

9th April 2013

Registered

Decision Due

9th June 2013

Ward

Kilbirnie & Beith

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

LocationSite to the north of 47 Head Street
Beith**Applicant**Mr Gareth Rae
49 Head Street
Beith
KA15 2AU**Proposal**Change of use from open space to form garden
ground

1. Description

This application seeks the change of use of an area of enclosed and unmaintained ground, located to the north of Head Street, Beith to form an extended area of garden ground associated to 49 Head Street. The land is irregularly shaped with a number of self-seeded trees, and extends to approximately 240sqm. The land is the ownership of North Ayrshire Council. The site is bounded to the north and south by residential properties, to the west is a larger unmaintained/overgrown area of land, the boundary with which is undefined and fronts Head Street. To the east is a similar area of open space for which Committee approved planning permission (Ref: 12/00460/PP) in September 2012 for a similar change of use from open space to garden ground. The applicant has indicated the trees within the site would be cleared.

The application site is within a residential area as identified in the Adopted North Ayrshire Local Plan (Excluding the Isle of Arran) and is unaffected by any site specific policies or proposals.

Policy OS1 (Protection of Open Space) is relevant and states that development of land identified as protected leisure and open space 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 a range of criteria. The criteria includes the impact on the amenity, character and appearance of the area and the need to avoid the setting of an undesirable precedent for incremental loss of open space.

The proposal also requires to be assessed against the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) siting, design and external appearance and (b) amenity.

Planning Permission was approved in September 2012 for a similar proposal for an area of open space which bounds the east of the site (Ref: 12/00460/PP) for a property at 2 Headlands Grove. The area has since been cleared and a boundary fence erected along the eastern boundary with Headlands Grove and the northern boundary with the adjacent residential property.

Planning consent was refused in April 2006 for a similar proposal to Ref:12/00460/PP. That application was refused on the basis that it adjoined a wider area of open space which fronts onto Head Street and that the loss of open space could set an undesirable precedent for further incremental loss into this wider area which occupies a prominent position on Head Street. (Ref: 06/00180/PP).

The applicant's statement in support of the application states that the area is overgrown and in poorly maintained condition and has been vacant for more than 30 years with no means of access for maintenance. The site does not have any recreational or amenity value to the surrounding area and concludes that the site lies to the rear of 47 and 49 Head Street and is not visible from any public road way or footpath.

2. Consultations and Representations

The standard neighbour notification has been issued by the Council and the proposal was advertised in a local newspaper on 17 April 2013 for neighbour notification purposes. No objections or representations have been received.

NAC Estates advise that the site and adjoining area is infected by Japanese Knotweed. It is also advised that the site has been without any formal purpose for some time (approximately 40-50 years) and is considered surplus to requirements.

Response: Noted. An appropriate condition could be imposed to address the issue of Japanese Knotweed.

3. Analysis

The application requires to be determined against the relevant policies and provisions of the development plan and any other material considerations. The relevant policies is OS1 (Protection of Open Space). The proposal also requires to be assessed against the Development Control Statement. With regard to Policy OS1 Criteria 1 and 3 are considered relevant.

Criterion 1 states that proposals should not have a detrimental impact upon the amenity, character and appearance of the area concerned. The site is currently enclosed by fencing along its northern and eastern boundary and is not readily visible from public areas. NAC Estates advise that the site has been unused for some time and has not been maintained. The site serves no recreational and limited amenity value to the surrounding area. It is considered that the proposed use as garden ground would be acceptable and would improve the condition and appearance of the area. A condition could be imposed to ensure that details of the means of boundary treatment and landscaping are submitted for prior approval. It is considered that the proposal would accord with criterion 1 of Policy OS1.

Criterion 3(a) requires that the recreational value of any active or passive open space is not adversely affected when considered in relation to the overall level of provision in a local area. As noted above, the site has no recreational and limited amenity value to the surrounding area. Its use as garden ground would have no impact on any other areas of recreational or passive open space.

Criterion (b) requires that no undesirable precedent is set for further incremental loss of open space. Although there was a previous refusal in April 2006 (Ref 06/00180/PP), the site adjoins a wider area of open space where the larger area fronts onto Head Street which unlike the application site, is considered to be visually prominent with a prominent street frontage. Therefore a distinction can be made between these areas and on balance it is considered that the proposal would not set an undesirable precedent for further loss. For these reasons it is considered that the proposal would accord with the criteria (3) (b) of Policy OS1.

For the reasons given above it is considered that the proposal would neither have an adverse impact on the character nor amenity of the surrounding area and would enhance an unmaintained area of ground. Therefore the proposal would accord with Criteria (a) and (b) of the DCS.

It is therefore recommended that planning permission is granted.

4. Full Recommendation

See Appendix 1.

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CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
25 April 2013

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

FK/JW

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00198/PP

Grant 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.

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

1. To safeguard the site from the effects of Japanese Knotweed and in the interests of amenity.
2. In the interest of the amenity 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

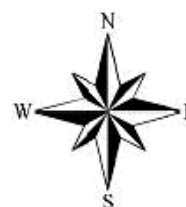
13/00198/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 4.1

Planning Committee

Planning Area

**15 May 2013
Irvine/Kilwinning**

Reference

Application

Registered

Decision Due

Ward

**13/00039/PPPM
30 January 2013**

**30 May 2013
Kilwinning**

Recommendation	Agree to grant subject to the conditions contained in Appendix 1.
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Location

Nethermains Industrial Estate
Kelvin Avenue
Kilwinning

Applicant

Ashtenne Industrial Fund LP
80 St Vincent Street
Floor 6
Glasgow
G2 5UB

Proposal

Demolition of industrial building(s) and 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

1. Description

Planning Permission in Principle is sought for the further development of industrial land, by infilling undeveloped areas of land allocated for business/industrial purposes. Indicative details submitted in support of the application show the site is to retain existing industrial units in the northern half, east of Kelvin Way. The remaining areas to be developed are divided into three 'Development Areas' and proposals are outlined relating to their possible development. A further area to the east is constrained by flooding potential and is to see the creation of an 'Urban Forest'.

The application only seeks to establish the principle of the development, as such a further application on the Matters Specified in Conditions (MSC) would be required to address issues of detail. However, indicative proposals, used to inform the supporting Pre-Application Consultation process (PAC) and a 'Development Framework Document' (considered to be a Design and Access Statement (DAS)), offer some details of the potential layout and form of the development. That concept layout shows the following:

'Development Area 1' is located in the north-east part of the site, adjacent to the proposed 'Urban Forest' and with potential links to the existing path network. It is proposed to develop a church (35,000ft² / 3,250m²) and 250 associated car parking spaces. The church, a class 10 (Non-residential Institution) use, is indicated as being orientated to the landscaped area, with the existing industrial units to the west and the car parking to the other three sides.

'Development Area 2' is to the south of the site, east of Nethermain Road and an existing dwellinghouse. It is proposed to develop this area with predominantly small business / industrial units (c.1,000 – 2,000ft² / 93 – 186m²), with potential to be linked into larger units, to allow maximum flexibility. The southern part would see two larger adjoining units (c.10,000ft² / 929m²) with associated yards, again these could be combined to one large unit. A landscaping strip is proposed along the northern access road, serving 'Area 1'.

'Development Area 3' is the largest of the three and is located to the west of Nethermain Road. Structural landscaping runs along the southern and part of the western boundary. Towards the perimeters of the northern half again smaller terraced units (1,000 – 2,000ft² / 93 – 186m²) would be developed. Centrally larger terraced units (5,000ft² / 464.5m²) are proposed with shared servicing and access arrangements. In the southern part are larger independent units (largest c. 20,000ft² / 1858m²) with dedicated accesses, car parking and service yards.

Access arrangements, off the public road network, are largely to remain unchanged.

The perimeter of the site is partially enclosed by structural planting, principally along the northern and south-western boundaries. There are also areas of amenity landscaping associated to public areas of existing units. Otherwise there are areas of extensive amenity grassland with occasional groups of specimen trees. Quality and management of the landscaping and structural planting is variable. It is indicated management and additional landscaping is proposed in order to enhance the structural areas and to relate to the river and footpaths.

Areas are identified, the eastern third of the site, as being at risk of flood and are excluded from development. Limited comments are given in relation to site drainage (SUDs).

Given the site area subject to development exceeds 2ha, and that in excess of 10,000m² of new floor area would be created, the proposals are considered 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) regulation 2008.

Since the application was submitted detailed requests have been made to the applicant for further information in respect of: evidence justifying the church proposal; a Business Plan linking the development of the site to the redevelopment of other industrial land under the ownership of the applicant.

The site is generally level and contains a number of industrial units in a central location, some of which are occupied. A number of other large units have been demolished in recent years. It is bounded to the north-east and east by the River Garnock, beyond which are mainly residential areas, with Irvine Road and Eglinton Country Park beyond. To the north-west is Longford Avenue and further areas of industrial land beyond, the western part of which has been reallocated to a residential release in the draft Local Development Plan (dLDP). There is an area of scrubland containing a pumping station to the south-west of this industrial area. To the south is the A78, beyond which is the River Garnock.

Planning Policy

The Development Plan is the Ayrshire Joint Structure Plan (AJSP) approved in November 2007 and the North Ayrshire Local Plan (excluding Isle of Arran) (NALP) adopted 4th November 2005.

The structure plan is addressed by the policy framework within the NALP, therefore the proposals shall be assessed against the existing NALP and, where relevant, the below listed policies of the draft Local Development Plan (dLDP).

The NALP identifies the site as part of a larger industrial allocation, including the industrial area to the north-west, where site specific policies IND6 (Industrial Estates) and IND7 (Small Workshops) are relevant. The north-western, northern and eastern boundaries are identified as accommodating the National Cycle Route (NCN).

IND6 and IND7 support business (Class 4); industrial (Class 5); and storage and distribution uses (Class 6), including small workshops of 150m² and less.

The following general policies are also relevant to the development proposed:

Policy TRA1 (Strathclyde Passenger Transport) Part B, which requires that all significant development proposals demonstrate that account has been taken of public transport provision and that developer contributions to secure public transport provision as part of the development of significant areas of new development may be required.

Policy TRA2 (Walking and Cycling), requires that all significant development proposals demonstrate that account has been taken of the needs of walkers and cyclists.

Policy TRA10 (Taxis) which requires that suitable locations for taxi ranks are identified at any major development proposals to meet the needs of the community.

Policy INF6 (Flooding) requires that flood risk issues are fully investigated and suitably mitigated

Policy OS3 (Open Space Provision) which requires that significant developments, other than housing, which incorporate open space, shall be required to demonstrate that they have given consideration to opportunities to locate amenity open space and wildlife areas in such a way as to contribute to the establishment of a 'green corridor' network in and around towns and villages, in the interests of amenity, outdoor recreation, landscape and nature conservation.

Policy ENV16 (Contaminated Land) requires that proposals for the restoration and/or remediation of contaminated land for an appropriate fit for purpose use shall accord with the local plan, subject to compliance with appropriate and remedial measures.

Policy ENV17 (Urban Fringe and Countryside Development) seeks structure planting, supplemented by earthworks if necessary at urban edge sites. Proposals should incorporate appropriate native tree planting, retain any existing natural features and incorporate proposals for a realistic future maintenance scheme.

BE10 (Archaeological Sites) which states that development proposals which may significantly affect sites of archaeological interest shall not accord with the Plan. Where preservation cannot be achieved, excavation and recording of the site shall be undertaken, prior to development proceeding.)

Policy BE13 (Art in the Community) encourages the provision of art in the community where it is appropriate to the setting of the development and surrounding area through partnership and private sector initiatives.

Policy BE14 (Design Guidance) which requires that proposals for development should take account of approved design guidance.

In relation to the proposed church, Policy A1 (Non-conforming Uses Not Otherwise Provided For By Any Policy In The Local Plan) requires that the following is demonstrated:

- (a) There is a proven need for the development and a resultant economic, environmental or community benefit arising from the development;
- (b) No suitable alternative site exists within appropriately allocated land; and
- (c) The nature of the proposal is compatible with and sympathetic to the character of the surrounding area.

All development proposals require to be assessed against the relevant criterion of the Development Control Statement (DCS).

The North Ayrshire Council draft Local Development Plan (LDP) was published on 29 April 2011 and represents the considered opinion of North Ayrshire Council. There is some change to the policy framework, relevant to this proposal, between the adopted and emerging plans.

This particularly relates to policy IND5 (Mixed Use Employment Areas), which requires that the site must demonstrate an element of retained employment use, the nature of which will be negotiated with reference to a business plan. This will be further developed through Development Briefs and may include, or be a pre-cursor to, the preparation of a masterplan. Proposals are likely to be secured via a legal agreement. Employment use should be located within the Mixed Use Employment Area allocation, unless equal or enhanced benefit can be delivered on other land within the applicants' control.

The following general policies are also relevant to the development proposed:

PI1 (Walking, Cycling and Public Transport), PI4 (Core Path Network), PI8 (Drainage, SUDS and Flooding), PI13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) also provide an expanded or updated position. Also relevant is the General Policy, similar in content to the DC Statement.

History

There is no particularly relevant planning history, with planning records over the past 20 years limited to minor proposals related to the business/industrial/distribution uses of the site, a change in use (education unit Ref: 05/01047/PP), works to a Scottish Water pumping station, etc.

Supporting Submissions

The following supporting information forms part of the submission.

Pre-Application Consultation (PAC) Report

This sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant. The document has been prepared in a 'conjoined' manner and relates to three applications the applicant has submitted at: South Newmoor, Irvine (Ref: 13/00040/PPPM); Nethermains, Kilwinning (Ref: 13/00039/PPPM); and West Byrehill, Kilwinning (Ref: 13/00038/PPPM).

Development Framework Document (DFD)

This document again relates to all three applications and advises that both West Byrehill and Nethermaines have limited and poor quality accommodation, not attractive within the marketplace, whilst Newmoor is more attractive but requires modernisation. It is proposed that by developing West Byrehill for residential purposes that funds will be made available to invest in the redevelopment of Nethermaines and Newmoor, as improved employment locations. An urban forest is also proposed at Nethermaines. Assessment of the issues associated to each site is then undertaken before design principles are put forward.

Planning Policy Statement

Again this document considers all three sites and sets out a planning policy framework from the National to the Development Plan level. It concludes that the proposals at Nethermaines are consistent with: SPP; the adopted Local Plan (IND6); and the emerging Local Development Plan (General Policy, IND3, ENV12, PI1 & PI8). It considers Nethermaines not only offers the opportunity to improve the quality of industrial premises and employment opportunities at this location, but also offers the opportunity to provide a significant green resource and a community facility. It notes the link between Newmoor, Nethermaines and West Byrehill and that it would be appropriate to link the sites by a Section 75 Agreement.

Transport Statement

This concludes that: the site is within walking distance of bus stops on Pollock Crescent and Irvine Road, which serve a wide catchment, including rail stations; the adjoining cycle routes provide easy access by cycle; anticipated weekday peak traffic period car volumes would be small compared with existing traffic on the surrounding road network; the church would generate significant volumes of traffic on Sunday mornings, but arrivals and departures tend to be staggered and mini-buses are run from the current premises and this is to be expanded as part of the proposed development; and safe and satisfactory access could continue for existing and proposed uses.

Ecological Assessment

This concludes that the majority of the site is of low ecological value, with large areas either developed or formally developed. The surrounding structural tree belts and other trees, shrubs and grasslands are associated to a recently formed landscape, associated to the industrial use of the site. The most valuable habitats are: along the River Garnock, forming part of a wider riparian corridor; and the tree belts around the site, with the associated grassland at the SW corners which has a more natural grouping of species. Otters and bats are present and pre start checks are recommended. There is no impact on places of shelter, and with protection of the riparian corridor network and tree belts, there will be no significant impact on the use of the site by these species. Some bird species will lose forage and potential nesting habitat, but overall impact is likely to be minimal. Badgers and Water Voles are not present, and amphibians are not regarded as an issue.

A number of objectives are stated, to inform design of the landscape and long-term management, these are:

- protect the River Garnock corridor, including a large part of the scrub and grasslands south of the river, and the woodland belt on the southeast side;
- maintain and enhance habitat links through and around to the site to adjacent habitats;
- maintain and enhance the opportunities for protected species within the local area;
- maintain and enhance the biodiversity of the site throughout the operational phase; and
- restore the site to ensure the long term viability of protected species, habitats, and enhance the overall diversity of the site.

It is recommended to:

produce a Landscape and Habitat Management Plan;

create a stand off from the river corridor from construction works, a minimum of 20m wide;

light disturbance to the riparian corridor and any other boundary wildlife corridors should be minimised;

trees to be suitably protected;

removal of Giant Hogweed, Japanese Knotweed and Himalayan Balsam by approved methods;

control of pollution via pesticides;

use of a Bat Method Statement, including pre-start surveys;

pre-start checks for badgers and otters should be made over any phase prior to ground works;

site clearance should avoid bird nesting season (March-Sept) or undertake bird nest checks;
 tree felling during the winter period only (December – February);
 prioritise native plant species for all landscape planting;
 landscape design should retain and enhance wildlife corridors around the site, management recommendations are made;
 any SUDs should be designed along ecological principles, where feasible;
 consider additional provision of ponds, and where in Site B, place them closer to the riparian corridor and provide appropriate planting to link habitats – recommendations are given;
 erection of bird and bat boxes on suitable trees and buildings should be considered, bat bricks should also be incorporated into buildings where possible;
 hedgehog and bee boxes may also be possible;
 longer grasslands should be created for ground nesting birds;
 consider whether flat roofs can be considered for nesting gulls;
 consider provision of a swallow barn, which may also be designed for bats;
 building design should consider deep eaves for swallows and swifts; and
 workforce training in relation to protection of site ecology during operations.

Flood Risk Assessment

Identifies the eastern area of the site, adjacent to the river corridor, as being within the 200 year floodplain, although the identified area is considered conservative. Avoidance of the 1:200 year area, as identified in Figure 4, is recommended. Land raising and compensatory flood storage has not been considered. Downstream bridges are not considered to have significant risk of blockage. Site drainage analysis (including SUDs) was not undertaken, although flooding from surface water runoff is not considered a significant risk. Topographical design and future maintenance issues associated to site drainage are discussed. Floor levels are recommended at 600mm above the 1:200 level, plus climate change. It is also noted that flood risk can be reduced but not eliminated, should events exceed the design conditions and given inherent uncertainty associated with estimating hydrological parameters.

Mine Risk Assessment

Advises that future development of the site will require investigation by trial pitting and drilling to determine actual ground conditions and to test the mining interpretation. It establishes the main concern is shafts, as recorded workings are at too deep a level to have influence. However, the possibility of unrecorded mine workings cannot be discounted, particularly given the site is underlain by the Lower and Middle Coal Measures, with at least 6 coal seams located below the site, from shallow to depths in excess of 130m. Development areas will require detailed mining assessment on a plot by plot basis.

2. Consultations and Representations

Neighbour notification was undertaken on 30 January 2013 and the application was advertised in a local newspaper on the 8 February 2013 for: neighbour notification purposes and as development which does not accord with the provisions of the development plan. Two objections have been received and can be summarised as follows:

Grounds of objection/representation

1. Invasion of privacy due to the location, noise, view, pollution, lighting, increased level of road users on the B779 causing structural damage to property and anti-social work hours.

Response – It is considered that the issues raised relate to matters of detail and that matters relating to noise, lighting and pollution will be assessed at the MSC stage. The loss of a view is not a material planning consideration. Impacts on residential amenity will be assessed at the MSC stage and mitigation measures between residential property and any operational areas will required to be considered. The potential for structural damage associated to any increase in road traffic is a matter for the objector to discuss with the applicants, such that condition surveys may be undertaken.

2. Blocking of sunlight.

Response – Again it is considered that this issue relates to a matter of detail and shall be assessed at the MSC stage. Again mitigation measures between residential property and any operational areas may be required.

Consultations

NAC Roads and Transportation - The submitted Transport Statement gives the overall strategic approach taken. It is considered that the development is generally acceptable, however further information may be required at MSC stage. The proposed church will see traffic generated outside peak hours and should not impact on the operation of the adjacent local public road network. A condition is recommended requiring further Transportation Assessments, at MSC state, if this is considered necessary by NAC Roads and Transportation.

Response – Noted. Suitable planning conditions can be attached to any planning permission requiring that Transportation Assessments shall accompany proposals at MSC state. An informative can advise the applicant to discuss the scope of such assessments with NAC Roads and Transportation

Transport Scotland – Do not propose to advise against the granting of permission.

Response – Noted.

NAC Flood – No objections in principle. The Flood Risk Assessment is considered satisfactory. The framework strategy incorporated the findings of the Flood Risk Assessment. A drainage and surface water strategy must be submitted in the next stage of planning application process for the development site as a whole, outlining overall maintenance proposal.

Response – Suitable planning conditions could be applied to address these issues. This will require that the framework strategy related to flood issues be applied and that a drainage and surface water strategy be submitted.

SEPA – No objections. In relation to flood risk matters are deferred to NAC as the Flood Prevention Authority. Otherwise comment is given that at MSC stage a complete topographic survey should be undertaken to determine the 200 year functional floodplain to determine the developable area; and that consultation with SEPA should take place at the detailed design stage.

In relation to Foul Drainage, Scottish Water's assessment of the site must demonstrate that the existing sewerage system can accommodate the development. If not a Development Impact Assessment (DIA) should be carried out to identify mitigation measures. Potential impacts on the water environment must also be considered and that "The Planning Authority should be satisfied that proposals would not have an adverse impact on water quality, public health or the environment". All foul drainage including run-off from any service yards must connect to the existing public foul sewers serving the site. The foul sewage pumping station lies within the predicted area of flooding and consideration should be given to protecting this important infrastructure asset from flooding.

Surface Water Drainage, surface water discharge to the water environment must be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007 and comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011. Surface water from the new development should be connected to the public surface water system. It is for Scottish Water to determine the level of SUDS required.

Ecology, the eradication of non-native invasive species is supported, and the applicant is directed to the guidance available on the SEPA website.

Contaminated land issues are deferred to NAC, with SEPA able to provide comment to them in relation to impacts on the water environment. Further advice is given in relation to demolition and pollution prevention and other regulatory requirements.

Response – Noted. Advice has been given by NAC’s Flood Engineer, see above. Suitable conditions can be applied regarding flood and surface water drainage issues. A suitable informative can advise the applicant to contact Scottish Water regarding surface and foul water drainage and connections, demolition and pollution prevention and other regulatory requirements. Contamination issues are discussed in the response from NAC Environmental Health.

Scottish Water – No objections. Advise that no guarantee of a connection to Scottish Water's infrastructure is given, but that there may be capacity to service the development in relation to water, and waste water treatment and water supply. A separate surface water drainage system will be required. SUDs designed to Sewers for Scotland 2 standards will be required if adoption is proposed.

Response – Noted. A condition can be applied requiring a self-certified SUDs system be submitted in support of any MSC applications. An informative can be attached advising the applicant to contact Scottish Water in relation to connections to public infrastructure.

NAC Environmental Health – No objections, subject to the following conditions: Prior to commencement of development a desk study of the application site to assess the likelihood of contamination and to inform a site investigation, subsequent quantitative risk assessment and remediation measures. Such documentation shall be verified by a suitably qualified person to the satisfaction of EH. Thereafter any unsuspected contamination encountered shall be reported and treated in an agreed way, to the satisfaction of EH. On completion of works verification of any remediation shall be submitted to NAC (EH).

Comments are also made in relation to good demolition and construction practices, use of plant and machinery, waste materials and asbestos.

Response – Conditions can be applied to address the contamination issues raised. An informative can be attached advising the applicant to contact Environmental Health regarding the other issues raised.

NAC Streetscene - The sites proposed for development consist mainly of rough grassland and hard standing, which housed former units. They are surrounded by perimeter woodland planting, (mainly broad-leaved mix), and interspersed scrub and small tree planting. The woodland perimeter is generally in fair to poor condition and comprises mainly semi-mature medium sized trees. There is little or no evidence of recent thinning or windthrow clearance, natural regeneration or a general under-storey layer. There are also a few trees in poor condition close to the Northern perimeter footway which should be looked at with a view to removing.

Comments are provided in relation to each development area.

Development Area 1 (DA1): Is bounded to the west by scrub and a narrow woodland strip to the north. This woodland is semi-mature and broad-leaved. There is no evidence of recent management within it - there are wind-thrown trees, no evidence of first thinnings and little or no under-storey other than bramble growth. It may have value as a wildlife corridor and provide shelter from the adjacent open landscape. If this area is absorbed by new urban forestry, highlighted in the concept site plan, any such new planting should be managed thereafter to an accompanying woodland management plan.

Development Area 2 (DA2): There are twenty six, mainly semi-mature broad leaved trees of moderate to good condition at the entrance on this area and are of amenity value. As they are out with the indicative development area retention and protection, under BS5837 2012: Trees in relation to design, demolition and construction, is recommended.

There are also a group of scattered semi-mature trees, (of good to moderate condition) along the existing grass verge (at the north boundary of DA2), alongside Kelvin Avenue. They are less evident than those trees at the main junction and arguably do not offer the same level of amenity value being less visible, any loss should be mitigated by suitable specimens within the proposed landscape buffer, as per the concept plan.

At the East facing gable of the residential dwelling there is a large, mature *Leylandii* that sits on a raised part of banking which is a potential development constraint. It is suggested that the householder/owner be contacted to discuss options in relation to it.

At the south/south west perimeter of DA2 is a semi-mature – mature perimeter broad leaved woodland that provides a screen from the A78. It would appear from the site concept plan that the southernmost units and the zone buffer would impact directly on this perimeter woodland, particularly in the south-west corner. This would have a major impact on what current shelter and screening from the A78. As such, it is suggested that the woodland buffer be increased to provide more of a windbreak and screen.

Development Area 3 (DA3): The west and south perimeters consist, in the main, of semi-mature to mature mixed broad-leaved woodland strips in fair condition but show no signs of recent woodland management. As well as providing cover for wildlife they also provide a degree of shelter from south-west prevailing winds. There are gaps in the southern area which should be infilled to provide more of a screen to the A78.

There are a small number of semi-mature trees of some amenity value at the entrance of Edison Place and along the north boundary, in generally of good condition. None of these trees are of particular note or rarity and their potential loss through development could be mitigated by similar plantings post development. There are three Lime at Edison Place which would potentially require to be removed anyway as they would be fouling the sight lines at this point of access.

Response – Suitable conditions can be applied relating to: Landscaping proposals incorporating strengthening and remedial maintenance to the woodland areas and the introduction of a planted margin to those compartments; the protection of trees during development phases, in line with BS 5837; and provision of amenity/specimen trees in the throughout the development areas. An informative can be attached to any planning permission advising the applicant to contact NAC Streetscene regarding the detail of these issues.

An informative can be attached to any planning permission advising the applicant of Streetscene's comments in relation to Leylandii.

SNH - Confirm that the applicants have consulted SNH during the development of these proposals and that they are content the proposals are taken forward as described.

Response – Noted. A condition can be applied requiring that the recommendations of the Ecology Assessment are implemented.

NAC Access Officer – The Transport Assessment (TA) is limited in its consideration and analysis of provision for pedestrians and cyclists. Consideration is limited to the National Cycle Network without reference to the Core Paths Plan. The TA does not look at proposals for modal split of journeys or the level of cycle parking required. Such matters should be in line with the Cycling Action Plan for Scotland, at 10% of journeys by bike by 2020. Further detail should be provided.

Policy PI 1 (Walking, Cycling and Public Transport) and Policy PI 4 (Core Paths Network), of the draft LDP, provide an expanded or updated position which is relevant to this application. Further analysis and consideration of these policies would be welcomed.

The Development Framework does not fully consider multi user routes, such as the NCN, concentrating on pedestrians and this should be addressed. The DF, in the Site Analysis and Constraints also shows the NCN in the wrong location, other errors in referencing are also evident. Overall the focus is on recreation rather than active travel to and from the site. The analysis of path linkages is also limited and further analysis should be undertaken to maximise connectivity, within and to the development site by providing direct routes to wider path networks, as required by PI1.

Response – Noted. Suitable planning conditions can be attached to any planning permission to address the comments of the Access Officer and an informative attached advising the applicant to discuss these matters.

West of Scotland Archaeology Service – Advise that two archaeological sites are recorded within the site. The first related to Nethermain Farm, the now residential property on Nethermain Road. There is potential that archaeological material remains present in that vicinity. The second relates to an ancient grave and is likely to have been significantly affected by past development. However, there remains potential that additional buried material may survive in the vicinity. Generally there has been extensive disturbance across the site, likely removing buried material. However, some areas have seen limited works and buried archaeological material may survive. In particular: the area south of Edison Place; to the north of Simpson place and the field to the north-east, are identified.

SPP and PAN 2/2011 seek protection and preservation of heritage assets in situ wherever feasible. Where preservation proves impossible, planning authorities should ensure that procedures are in place in order that appropriate recording is undertaken before and/or during development.

It is recommended that a condition be attached requiring that surviving significant remains are 'preserved by record' through archaeological excavation. A negative suspensive condition is recommended reflecting recent experience and current best practice. Consultation by the applicant with WoSAS is recommended.

Response – A suitable planning condition can be applied and an informative can be attached to any planning permission can advise the applicant to contact WoSAS in relation to the scoping and preparation of the archaeological programme required.

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 draft Local Development Plan (dLDP) is also a material consideration. Given the fact that both the NALP and the dLDP 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.

It is also important to note that the use of the site for business, industrial and storage and distribution purposes is acceptable in principle, given that such use would not constitute any underlying material change from the present situation. As such the issues which require to be discussed are largely matters of detail which can be addressed by conditions, including the siting, design and access/egress arrangements.

The main issue relates to the proposed church and how it fits with the relevant policies of the development plan, and other material considerations.

In relation to the NALP the following policies are relevant and shall be assessed in turn.

IND6, IND7, TRA1, TRA2, TRA1, INF6, OS3, ENV16, BE10, BE13, BE14 and A1.

Site specific policies IND6 and IND7 support business (Class 4); industrial (Class 5); and storage and distribution uses (Class 6), including small workshops of 150m² and less. As such the business, industrial and storage and distribution uses proposed are acceptable in principle.

Policy TRA1 and Policy TRA2 can be assessed against the emerging Policy PI 1 (Walking, Cycling and Public Transport) of the dLDP, see 'material considerations' below. Policy TRA10 (Taxis) can be addressed by a suitable planning condition and an informative.

Policy INF6 (Flooding) requires that flood risk issues are fully investigated and suitably mitigated.

As noted above, a Flood Risk Assessment (FRA) has been submitted in support of the application and is considered satisfactory. A framework strategy has been prepared from the findings of the FRA, a suitable condition can be applied to any permission requiring that appropriate flood management measures are incorporated at MSC stage. This should be demonstrated by a detailed flood risk assessment including a complete topographic survey to determine the 200 year functional floodplain to determine the developable area. NAC's Flood Engineer and SEPA should be consulted by the applicant in the scoping and preparation of this FRA, an informative would address this matter.

NAC's Flood Engineer also advises that a drainage and surface water strategy must be submitted at MSC stage, for the development site as a whole, and should outline the overall maintenance proposals. A suitable planning condition can be applied to any permission.

Subject to these conditions it is considered that the proposals can comply with the requirements of INF6.

Policy OS3 (Open Space Provision) requires significant developments, other than housing, which incorporate open space, to demonstrate that they have given consideration to opportunities to locate amenity open space and wildlife areas in such a way as to contribute to the establishment of a 'green corridor' network in and around towns and villages, in the interests of amenity, outdoor recreation, landscape and nature conservation.

In general habitats present are mixed / broad-leaved perimeter woodland, small groups / individual specimen trees and areas of amenity grassland. Many of the trees and associated habitats are in a poor condition, having seen little maintenance, and as such remedial maintenance is required.

It is considered that there remains some potential conflict, looking at the indicative 'concept site plan', between developed areas and amenity areas of value to wildlife. In particular the DA2 southernmost units and the zone buffer would impact directly on perimeter woodland, particularly in the south-west corner. This would have a major impact on shelter and screening from the A78. As such, it is suggested that the woodland buffer be increased to provide more of a windbreak and screen, and the concept layout reconsidered. This issue has been raised by NAC Streetscene, and generally development should be set back from trees and incorporate separating buffer zones. In relation to nature conservation recommendations are made within the Ecological Assessment and some guidance is provided by SEPA.

These matters should be acted upon in the preparation of detailed designs for the development. To address these issues a suitable planning condition can be applied to any planning permission requiring that at the MSC application stage it is demonstrated that the development and proposed landscaping contributes to the establishment of a 'green corridor' network in the wider locality, in the interests of amenity, outdoor recreation, landscape and nature conservation and that existing/retained landscaping is protected. The application would address the requirements of OS3, subject to these matters being addressed at MSC stage.

Policy ENV16 (Contaminated Land) requires that proposals for the restoration and/or remediation of contaminated land for an appropriate fit for purpose use shall accord with the local plan, subject to compliance with appropriate remedial measures.

NAC Environmental Health advise that, given the potential for contamination within the site, that prior to development commencing, a desk study of the site to assess the likelihood of contamination and to inform a site investigation, subsequent quantitative risk assessment and remediation measures be undertaken. A methodology is also provided. Additionally any unsuspected contamination encountered during development shall be reported and treated in an agreed way. Finally on completion of works verification of any remediation shall be submitted to NAC. Suitable conditions can be applied to any planning permission requiring that such matters are addressed.

An informative can also be attached advising the applicant to contact Environmental Health on these matters. The proposal would accord with Policy ENV16, subject to these considerations.

BE10 (Archaeological Sites) states that development proposals which may significantly affect sites of archaeological interest shall not accord with the Plan. Where preservation cannot be achieved, excavation and recording of the site shall be undertaken, prior to development proceeding.

As discussed in the consultation response from WoSAS, a condition can be applied to investigate and record archaeological interests and subject to this the proposals would comply with BE10.

An appropriate condition would address Policy BE13 (Art in the Community) which encourages the provision of art in major developments. The proposal is acceptable in principle, in relation to Policy BE13

Policy BE14 (Design Guidance) requires that proposals for development should take account of approved design guidance. As the application seeks planning permission in principle, detailed design issues will be considered at MSC stage, an informative can be attached to any planning permission directing the applicant to the approved design guidance.

Policy A1 (Non-conforming Uses Not Otherwise Provided For By Any Policy In The Local Plan) is to be used to assess the proposed Church. In this regard assessment is undertaken below in relation to the three criteria:

- (a) There is a proven need for the development and a resultant economic, environmental or community benefit arising from the development.

It is understood that there is an identified requirement for a large Church, replacing an existing facility which has been outgrown and is no longer considered suitable in the long term. Given the scale of the proposals it is considered that there would be obvious economic and community benefits arising. Whilst the development would also see an area of mainly derelict land redeveloped with environmental benefits ensuing.

- (b) No suitable alternative site exists within appropriately allocated land.

The only areas identified in the NALP which identify land as being appropriate for church uses are town centres. However, given the scale of the proposal it is not considered that there are any suitable alternative sites available, or that a detailed exercise of such investigation is undertaken. The detailed siting, design and access considerations shall be undertaken at MSC stage.

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

Some discussion on the relationship of the proposed Church with the proposed Class 4, 5 and 6 uses and the Urban Forest is undertaken in the Development Framework Document (DFD) where, in the concept plan principles the open outlook towards the Urban Forest and proximity and connections to pedestrian and cycle paths are highlighted. It is indicated that the proposed car parking would provide a buffer from the Church to the main access road and nearby employment areas. Subject to detailed siting, design and access considerations, to be undertaken at MSC stage, it is considered that the Church proposal is acceptable in principle. A planning condition can be applied limiting the use of any such facility to that of a church only, and no other use within Class 10.

All development proposals require to be assessed against the relevant criterion of the Development Control Statement (DCS). It is considered that criteria (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character, (d) Access, Road Layout, Parking Provision and (e) Water and Sewerage, are relevant.

(a) Siting, Design and External Appearance

Matters of detail associated to the siting, design and external appearance require to be reserved, by condition, to the MSC application stage. An informative can be attached advising the applicant to contact NAC's Planning Service for guidance in relation to the scope and format of a Design Statement to support any MSC application, and to direct them to the approved design guidance.

(b) Amenity

Again, as this application seeks planning permission in principle only, issues associated to impacts on amenity cannot be assessed in detail. Consultation with NAC Environmental Health has raised no particular issues in relation to amenity impacts, other than during the demolition and construction phases, and advice is given in this regard. A suitable informative can be attached advising the applicant to contact EH in relation to practices during the demolition and construction phases.

Advice from the Council's Arboricultural Officer, based on the indicative layouts contained within the DFD and Ecology Assessment submitted in support of the application, shows that there are areas of woodland requiring of remedial maintenance and potential for the loss of trees and hedgerows. Suitable conditions can be attached requiring that an Arboricultural Impact Assessment and Arboricultural Method Statement be undertaken and used to guide the detailed design process and that the recommendations within the submitted Ecology Assessment are implemented. Detailed landscaping proposals, to include measures to manage, preserve and supplement trees and hedgerows is also required at the MSC stage. Suitable planning conditions can be applied to any planning permission.

(c) Landscape Character

Requires that development proposals should have regard to landscape features and the landscape character of the area. In this regard the comments of the Council's Arboricultural Officer and the content of the submitted Ecological Assessment and the 'Landscape' Section within the Development Framework Document should be considered in the detailed design process, such that the landscape features and landscape character of the area is impacted upon in a positive manner.

(d) Access, Road Layout, Parking Provision

Given the above considerations on these criteria, it is considered that the principle of the development is acceptable and that matters of detail can be addressed by planning conditions, which would allow detailed assessments to be undertaken at the MSC application stage. Relevant conditions would require: supporting Transport Assessment(s); and analysis and improvements to local non-vehicular routes and a Travel Plan. An informative can be attached to any planning permission advising the applicant to discuss the scope and content of these documents with NAC Roads and Transportation, Transport Scotland and NAC's Access Officer.

(e) Water and Sewerage

Given the above considerations on these criteria, it is considered that the principle of the development is acceptable and that matters of detail can be satisfactorily controlled by suitable planning conditions, which would allow detailed assessments to be undertaken at the MSC application stage. Particular issues requiring clarification relate to flood risk and site drainage.

Other Material Considerations

Draft Local Development Plan (dLDP)

The North Ayrshire Council draft Local Development Plan (LDP) was published on 29 April 2011 and represents the considered opinion of North Ayrshire Council. There is some change to the policy framework, relevant to this proposal, between the adopted and emerging plans.

In terms of Policy IND5 (Mixed Use Employment Areas), it is advised that the finance required to facilitate the proposals is to be generated from the development of another of the applicants' landholdings at West Byrehill for residential purposes, which can be addressed by a legal agreement for that application (Ref: 13/00038/PPPM).

PI1 (Walking, Cycling and Public Transport) requires significant trip generating proposals to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users by addressing listed criterion. The issues detailed in the criterion are largely matters of detail and shall be assessed at the MSC application stage.

However, in order to ensure that these issues are considered in the detailed designs, and to address the issues raised by NAC Roads & Transportation and NAC's Access Officer, conditions can be applied requiring that the following documents are prepared in support of any MSC application: a Transport Assessment and a Travel Plan. The scope and content of these documents should be agreed with the relevant parties, in advance of any MSC submission, and an informative can be attached in this regard.

An informative can be attached to any planning permission advising the applicant of the Policy and of the comments raised by the Access Officer. It is considered that the proposals are acceptable in principle and that detailed assessment shall take place at the MSC stage.

PI4 (Core path network) requires that development within close proximity to the Core Path network should provide suitable links to the Core Path network, where appropriate. These issues are discussed by the Access Officer and conditions associated to these comments would ensure these matters were addressed at MSC stage.

In order to comply with Policy PI8 (Drainage, SUDS and Flooding), conditions can be attached requiring that the following matters are included in any MSC submission: a comprehensive Drainage Assessment, prepared in consultation with NAC's Flooding Risk Management Section; that SUDS techniques are incorporated; that a detailed Flood Risk Assessment (FRA) be completed, demonstrating that the issues raised within PI 8 have been addressed. The scope and detail of the FRA shall also be agreed with NAC's Flooding Risk Management Section. It is considered that the proposals are acceptable in principle, subject to these matters, and that detailed assessment shall take place at the MSC stage.

PI 13 (Carbon Emissions and New Buildings) requires that all new buildings must reduce their CO2 emissions above or in line with building standards, through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. Such measures should be demonstrated and a suspensive condition may be used to submit energy saving or on-site LZCGT schemes at the time of Building Warrant submissions. In order to address these issues a suitable condition can be applied to any planning permission.

It is considered that the proposed development accords in principle with the Development Plan, comprising the Ayrshire Joint Structure Plan and the adopted North Ayrshire Local Plan (Excluding Isle of Arran) (NALP) and also the emerging Local Development Plan. There are no other material planning considerations which would outweigh the provisions of the Development Plan. Planning permission can therefore be granted, subject to the conditions listed 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
3 May 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00039/PPPM

Grant 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.

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

1. In order that these matters can be considered in detail.
2. To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. To meet the requirements of North Ayrshire Council's Access Officer and as Roads Authority.
4. To meet the requirements of North Ayrshire Council's Access Officer and as Roads Authority.
5. To meet the requirements of Environmental Health.
6. Requirements of the Coal Authority.
7. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
8. As required by Policy OS3 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).
9. In the interest of the amenity of the area.
10. To secure a sustainable development.
11. In the interests of amenity and to secure community involvement.

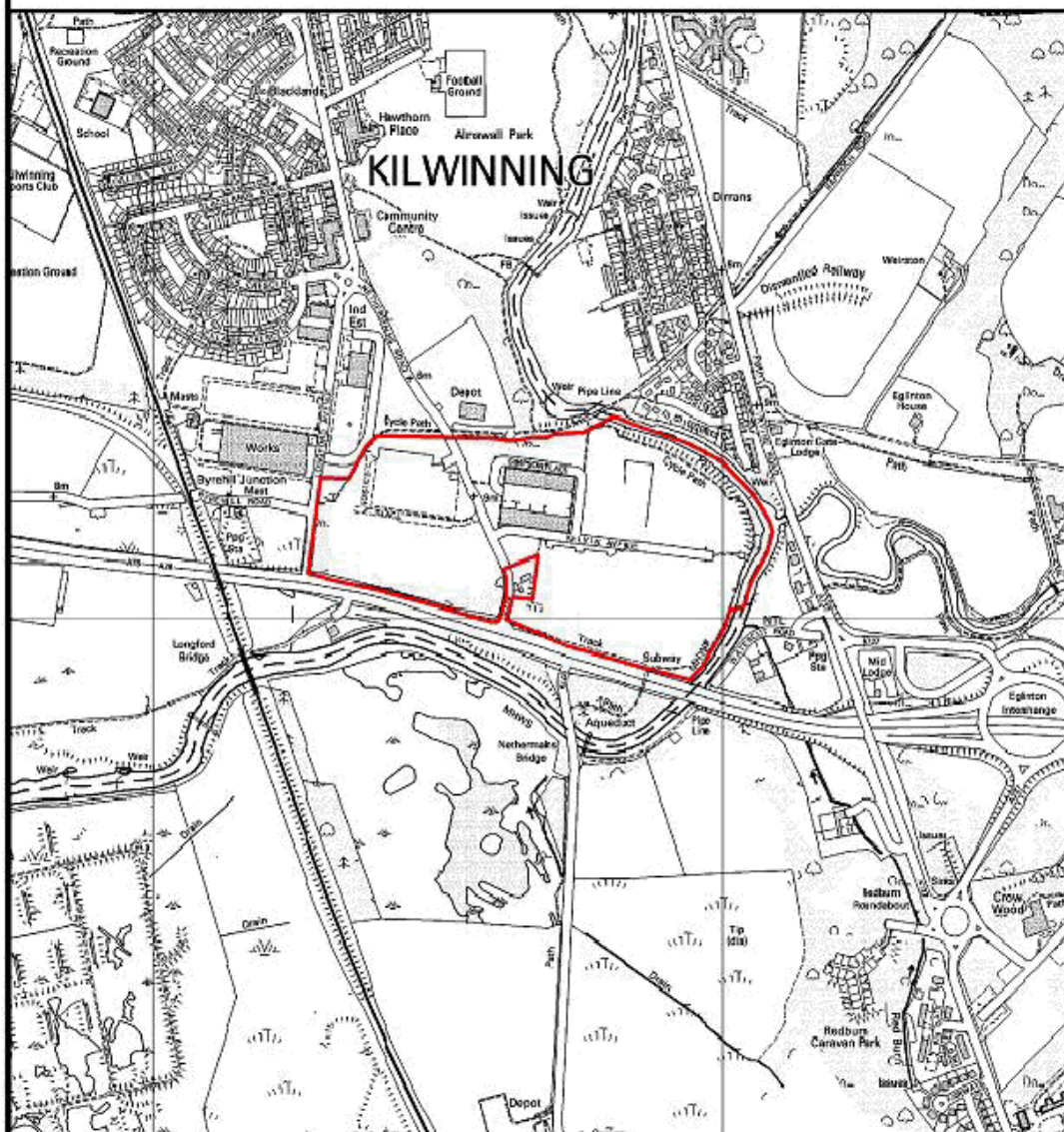
12. In the interest of the amenity of the area and to avoid adverse impacts on residential property and wildlife.
13. In the interest of the amenity of the area and to avoid adverse impacts on residential property.
14. In recognition of the archaeological significance of the site.
15. To restrict the development to the terms of its justification/special need.

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

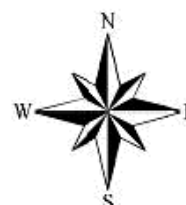
13/00039/PPPM



NORTH AYRSHIRE
COUNCIL

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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 4.2

Planning Committee

Planning Area

**15 May 2013
Irvine/Kilwinning**

Reference

13/00040/PPPM

Application

30 January 2013

Registered

Decision Due

30 May 2013

Ward

Irvine East

Recommendation

Agree to (1) grant 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 conditions contained in Appendix 1; and (2) refuse the erection of ancillary public house/restaurant for the reasons contained within Appendix 2.

Location

South Newmoor Industrial Estate
Annick Road
Irvine

Applicant

Ashtenne Industrial Fund LP
80 St Vincent Street
Floor 6
Glasgow
G2 5UB

Proposal

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

1. Description

Planning Permission in Principle is sought for the further development (c.90,000ft²/8,361m²) of industrial land, by infilling undeveloped areas and replacing some existing industrial buildings. A hotel, public house, restaurant, retail unit(s) and a crèche are also proposed to be developed in an area immediately to the north of Annick Road. Other existing industrial buildings would remain (c.300,000ft²/27,870m²) and are programmed for refurbishment. Improvements to infrastructure and landscaping are also proposed.

The application only seeks to establish the principle of the development, as such a further application on the Matters Specified in Conditions (MSC) would be required to address issues of detail. However, indicative proposals, used to inform the supporting Pre-Application Consultation process (PAC) and a 'Development Framework Document' (considered to be a Design and Access Statement (DAS)), offer some details of the potential layout and form of the development.

The 'Development Framework Document' (DFD) indicates that South Newmoor will be the focus of the applicants business and industrial development, seeing improvements to the quality of the offer and overall environment by the works outlined. The applicant considers the ancillary uses to compliment the business activity within the area.

Access arrangements, off the public road network, are to remain unchanged.

The perimeter of the site is partially enclosed by structural planting, there are also areas of amenity scrub and maintained grassland. The structural landscape belts provide some visual containment and screening from roads and residential areas. Management is variable, from good to poor, directly relating to the occupancy of existing areas. It is indicated additional landscaping is proposed in order to enhance the structural areas and to introduce improved amenity within the developed areas.

Areas are identified for flood water storage in the northern part of the site, adjacent to both banks of the Annick Water. Limited comments are given in relation to site drainage (SUDs).

Given the site area subject to development exceeds 2ha, and that it is likely that in excess of 10,000m² of new floor area would be created, the proposals are considered 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) regulation 2008.

Since the application was submitted, detailed requests have been made to the applicant for further information in respect of: evidence justifying the ancillary uses (public house/restaurant, hotel, crèche, and retail units); a Business Plan linking the development of the site to the redevelopment of other industrial land under the ownership of the applicant.

The site is generally level and contains a number of industrial units, many of which are presently vacant. It is bounded to the north by the Annick Water, beyond which are Broomlands Busway and a further area of industrial land under the ownership of the applicant. To the west is the A78, beyond which are Annick Bank business park, the Menzies Hotel and grounds, and residential areas. To the south is the A71, beyond which is the industrial area of Riverside Business Park. Whilst to the east are Long Drive and the Newmoor Interchange, beyond which are Annick Country Park, industrial areas and Dreghorn Fire Station.

Planning Policy

The Development Plan is the Ayrshire Joint Structure Plan (AJSP) approved in November 2007 and the North Ayrshire Local Plan (excluding Isle of Arran) (NALP) adopted 4 November 2005.

The structure plan is addressed by the policy framework within the NALP, therefore the proposals shall be assessed against the existing NALP and, where relevant, the below listed policies of the draft Local Development Plan (dLDP).

The NALP identifies the site an industrial allocation, where site specific policies IND6 (Industrial Estates) and IND7 (Small Workshops) are relevant.

IND6 and IND7 support business (Class 4); industrial (Class 5); and storage and distribution uses (Class 6), including small workshops of 150m² and less.

The following general policies are also relevant to the development proposed:

Policy TRA1 (Strathclyde Passenger Transport) Part B, which requires that all significant development proposals demonstrate that account has been taken of public transport provision and that developer contributions to secure public transport provision as part of the development of significant areas of new development may be required.

Policy TRA2 (Walking and Cycling), requires that all significant development proposals demonstrate that account has been taken of the needs of walkers and cyclists.

Policy TRA10 (Taxis) which requires that suitable locations for taxi ranks are identified at any major development proposals to meet the needs of the community.

Policy IND14 (Ancillary Facilities) states that proposals for ancillary leisure or retail facilities within industrial areas shall accord with the plan, provided it is demonstrated that they:

- (a) Support business and industry in the immediate area;
- (b) Are accessible from within the industrial area on foot and by cycle; and
- (c) Do not attract vehicular traffic from outwith the immediate area.

TOU1 (Accommodation) requires that proposals to develop hotels shall accord with the plan, subject to the following:

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

Such proposals must be compatible with the underlying land use and appropriate in design and scale to the surrounding uses.

Policy INF6 (Flooding) requires that flood risk issues are fully investigated and suitably mitigated.

TC6 (Local Shops) requires that retail proposals outwith town centres are justified against the following criteria: (a) they meet a recognised local need, and (b) are located where they can be conveniently accessed on foot from the adjacent development, and (c) will have no detrimental effect on infrastructure by attracting additional traffic from outwith the local area.

Policy OS3 (Open Space Provision) which requires that significant developments, other than housing, which incorporate open space, shall be required to demonstrate that they have given consideration to opportunities to locate amenity open space and wildlife areas in such a way as to contribute to the establishment of a 'green corridor' network in and around towns and villages, in the interests of amenity, outdoor recreation, landscape and nature conservation.

Policy ENV16 (Contaminated Land) requires that proposals for the restoration and/or remediation of contaminated land for an appropriate fit for purpose use shall accord with the local plan, subject to compliance with appropriate and remedial measures.

Policy BE13 (Art in the Community) encourages the provision of art in the community where it is appropriate to the setting of the development and surrounding area through partnership and private sector initiatives.

Policy BE14 (Design Guidance) which requires that proposals for development should take account of approved design guidance.

All development proposals require to be assessed against the relevant criterion of the Development Control Statement (DCS).

The North Ayrshire Council draft Local Development Plan (LDP) was published on 29 April 2011 and represents the considered opinion of North Ayrshire Council. There is some change to the policy framework, relevant to this proposal, between the adopted and emerging plans.

This particularly relates to site specific policy IND1 (Strategic Business Locations), which allocates the site as a strategic business location and that it is to be protected from inappropriate uses and development which would compromise its quality, accessibility or marketability as a business location.

The following general policies, which are considered a change in position from the current plan, are also relevant to the development proposed:

PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), PI 8 (Drainage, SUDS and Flooding), PI 13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) also provide an expanded or updated position. Also relevant is the General Policy, similar in content to the DC Statement.

History

There is no particularly relevant planning history, with planning records over the past 20 years limited to minor proposals related to the business/industrial/distribution use of the site, some minor changes in use (gyms/dance studio/minor ancillary retail/etc.), the erection of telecoms masts, the provision of a sub-station enclosure, etc.

An outline proposal (Ref: 98/00250/OPP) for the erection of a pub/restaurant outlet and associated car parking, accessed off the Newmoor Interchange, and located immediately to the east of the site, was refused in January 1999. Reasons for refusal were that it would be contrary to the employment policies of the then Local Plan; and that it would result in development within a 'buffer zone' surrounding South Newmoor Industrial Estate, where it was intended that no development would take place.

Supporting Submissions

The following supporting information forms part of the submission.

Pre-Application Consultation (PAC) Report

This sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant. The document has been prepared in a 'conjoined' manner and relates to three applications the applicant has submitted at: South Newmoor, Irvine (Ref: 13/00040/PPPM); Nethermains, Kilwinning (Ref: 13/00039/PPPM); and West Byrehill, Kilwinning (Ref: 13/00038/PPPM).

Development Framework Document (DFD)

This document again relates to all three applications and advises that both West Byrehill and Nethermains have limited and poor quality accommodation, not attractive within the marketplace, whilst Newmoor is more attractive but requires modernisation. It is proposed that by developing West Byrehill for residential purposes that funds will be made available to invest in the redevelopment of Nethermains and Newmoor, as improved employment locations. An urban forest is also proposed at Nethermains. Assessment of the issues associated to each site is then undertaken before design principles are put forward.

Planning Policy Statement

Again this document considers all three sites and sets out a planning policy framework from the National to the Development Plan level. It concludes that the proposals at Newmoor are consistent with: SPP; the adopted Local Plan (IND6); and the emerging Local Development Plan (General Policy, IND3, ENV12, PI1 & PI8). It considers that there is an opportunity to seek to direct new investment to the more successful Newmoor Estate, in order to improve the business and industrial offer at that location – maximising the potential economic benefits. It notes the link between Newmoor, Nethermains and West Byrehill and that it would be appropriate to link the sites via a Section 75 Agreement.

Transport Statement

This concludes that: the development is proposed within an existing industrial area and that the roads are of an appropriate nature; there are footways and a very good network of cycleways connecting the site to adjacent roads and developments; there are existing bus stops adjacent to the site, with grade separated footway / footpath connections; the site could adequately be served by existing site junctions; the development of an overall site Travel Plan may help to reduce traffic associated with the proposed development; the shopping element is for local site-based needs and could reduce traffic to and from the site to shops; the crèche would be used by people already travelling to the site and therefore create no extra traffic; the hotel would have its peak traffic movements outwith the normal highway peak traffic periods.

Ecology Assessment

This concludes that the majority of the site is of low ecological value, with large areas developed. The most valuable habitats are: along the Annick Water, forming part of a wider riparian corridor; and the tree belts around the site, with the associated grassland at the SW and SE corners of the site. Otters are present, but with protection of the riparian corridor impact would not be significant, pre start checks are recommended. Bats are present, but no roosts are recorded, a bat method statement is recommended. Some bird species will lose forage and potential nesting habitat, but overall impact is likely to be minimal. Badgers and Water Voles are not present, and amphibians are not regarded as an issue.

A number of objectives are stated, to inform design of the landscape and long-term management, these are:

- protect the Annick Water corridor, including a large part of the scrub and grasslands south of the river, and the woodland belt on the southeast side;
- maintain and enhance habitat links through and around to the site to adjacent habitats;
- maintain and enhance the opportunities for protected species within the local area;
- maintain and enhance the biodiversity of the site throughout the operational phase; and
- restore the site to ensure the long term viability of protected species, habitats, and enhance the overall diversity of the site.

It is recommended to: produce a Landscape and Habitat Management Plan; create a stand off from the river corridor from construction works, a minimum of 20m wide. Only habitat improvement or cycle/pathway works to be undertaken therein. The area of scrub and unimproved grassland at the north of the southern Newmoor compartment should be regarded as part of this buffer zone with minimal removal of this area; light disturbance to the riparian corridor and any other boundary wildlife corridors should be minimised; trees to be suitably protected; removal of Giant Hogweed and Japanese Knotweed by approved methods; control of pollution via pesticides; use of a Bat Method Statement, including pre-start surveys; site clearance should avoid bird nesting season (March-Sept) or undertake bird nest checks; tree felling during the winter period only (December – February); prioritise native plant species for all landscape planting; landscape design should retain and enhance wildlife corridors around the site, management recommendations are made; any SUDs should be designed along ecological principles, where feasible; erection of bird and bat boxes on suitable trees and buildings should be considered, hedgehog and bee boxes may also be possible; longer grasslands should be created for ground nesting birds; building design should consider deep eaves for swallows and swifts; and workforce training in relation to protection of site ecology during operations.

Flood Risk Assessment

Identifies the low lying areas of the river corridor are within the 200 year floodplain of the river, with the 1000 year event marginally larger. Avoidance of the 1:200 year area, as identified in Figures 8/9, is recommended. Floor levels are recommended at 600mm above the 1:200 level, plus climate change. Site drainage (including SUDs) was not undertaken, although flooding from surface water runoff is not considered a significant risk. Topographical design and future maintenance issues are discussed. It is also noted that flood risk can be reduced but not eliminated, should events exceed the design conditions and given inherent uncertainty associated with estimating hydrological parameters.

Mine Risk Assessment

Establishes the main areas of concern, however the possibility of unrecorded mine workings cannot be discounted, particularly as the site is entirely underlain by the Lower and Middle Coal Measures, with at least 5 coal seams located below the site, from shallow to depths in excess of 180 metres. Further detailed mining assessment is recommended on a plot by plot basis.

2. Consultations and Representations

Neighbour notification was undertaken on 30 January 2013 and the application was advertised in a local newspaper on the 8 February 2013 for: neighbour notification purposes; as development which does not accord with the provisions of the development plan; and as a bad neighbour development. No representations or objections have been received.

Consultations

NAC Roads and Transportation - The submitted Transport Statement gives the overall strategic approach taken. It is considered that the development is generally acceptable, however further information may be required at MSC stage for the public house, hotel and crèche, as they may impact on the operation of the adjacent local public road network. Conditions are recommended requiring further Transportation Assessments, at MSC state, particularly relating to the hotel, public house and crèche uses.

Response – Noted. Suitable planning conditions can be attached to any planning permission requiring that Transportation Assessments shall accompany proposals at MSC state, particularly relating to the hotel, public house and crèche uses. An informative can advise the applicant to discuss the scope of such assessments with NAC Roads and Transportation.

Transport Scotland – Recommend a condition be attached to any permission requiring that no part of the development shall be occupied until a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland. This Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.

Response – Noted. Suitable planning conditions can be attached to any planning permission requiring that a Travel Plan be required. An informative can advise the applicant to discuss the scope of such a Travel Plan with Transport Scotland, as the Trunk Roads Authority.

NAC Flood – No objections in principle. The Flood Risk Assessment is considered satisfactory. The framework strategy incorporated the findings of the Flood Risk Assessment. A drainage and surface water strategy must be submitted in the next stage of planning application process for the development site as a whole, outlining overall maintenance proposal.

Response – Suitable planning conditions could be applied to address these issues. This will require that the framework strategy related to flood issues be applied and that a drainage and surface water strategy be submitted.

SEPA – No objections, subject to a condition relating to the adoption of appropriate flood management measures, as recommended in the flood risk assessment and the provision of a 1000 year standard of protection for the crèche, which is considered a vulnerable use. Otherwise comment is given in relation to:

Foul Drainage, where Scottish Water's assessment of the site must demonstrate that the existing sewerage system can accommodate the development. If not a Development Impact Assessment (DIA) should be carried out to identify mitigation measures. Those potential impacts on the water environment must also be considered and that "The Planning Authority should be satisfied that proposals would not have an adverse impact on water quality, public health or the environment". All foul drainage including run-off from any service yards must connect to the existing public foul sewers serving the site.

Surface Water Drainage, surface water discharge to the water environment must be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007 and comply with the terms of the Water Environment (Controlled Activities) (Scotland) Regulations 2011. Surface water from the new development should be connected to the public surface water system. It is for Scottish Water to determine the level of SUDs required.

Ecology, the eradication of non-native invasive species is supported, and the applicant is directed to the guidance available on the SEPA website.

Contaminated land issues are deferred to NAC, with SEPA able to provide comment to them in relation to impacts on the water environment. Further advice is given in relation to demolition and pollution prevention and other regulatory requirements.

Response – Noted. Advice has been given by NAC's Flood Engineer, see above. Suitable conditions can be applied regarding flood and surface water drainage issues. A suitable informative can advise the applicant to contact Scottish Water regarding surface and foul water drainage and connections, demolition and pollution prevention and other regulatory requirements. Contamination issues are discussed in the response from NAC Environmental Health.

Scottish Water – No objections. Advise that no guarantee of a connection to Scottish Water's infrastructure is given, but that there may be capacity to service the development in relation to water, and waste water treatment and water supply. A separate surface water drainage system will be required. SUDs designed to Sewers for Scotland 2 standards will be required if adoption is proposed.

Response – Noted. A condition can be applied requiring a self-certified SUDs system be submitted in support of any MSC applications. An informative can be attached advising the applicant to contact Scottish Water in relation to connections to public infrastructure.

NAC Environmental Health – No objections, subject to conditions. The following conditions are requested: Prior to commencement of development a desk study of the application site to assess the likelihood of contamination and to inform a site investigation, subsequent quantitative risk assessment and remediation measures. Such documentation shall meet BS10175:2011 and be verified by a suitably qualified person to the satisfaction of EH. Thereafter any unsuspected contamination encountered shall be reported and treated in an agreed way, to the satisfaction of EH. On completion of works verification of any remediation shall be submitted to NAC (EH).

Comments are also made in relation to good demolition and construction practices, use of plant and machinery, waste materials and asbestos

Response – Conditions can be applied to address the contamination issues raised. An informative can be attached advising the applicant to contact Environmental Health regarding the other issues raised.

NAC Streetscene – The areas of perimeter planting comprise: mainly broad leaved to south; mixed to south-west and west. More recent tree planting (Whitebeam) in the south-east. The western tree belt contains more pine and spruce. Little evidence of maintenance is evident in the southern and western treebelts, and require thinning, they do however provide a distinct screen from the A71 and A78. The north-east corner of Mackintosh Place sees 3 small copses of young broad leaved trees, one of these would be lost in the indicative plans. Development indicated to the south-west corner of the site is close to the tree belt and it is suggested that the siting of buildings is set back to avoid intrusion into this area of valuable screening. North of Annick Road is an area of mixed screen planting in a moderate condition. There is no evidence of recent thinning or maintenance. The leisure element and an industrial unit is indicated close to this southern tree belt, as such protective fencing would be required as per BS5837 2012. A mature row of Hawthorn, with considerable wildlife value would be lost in this location. To the north of Whittle Place the development area comprises rough ground with interspersed small copses of Goat Willow, with mixed planting including Rowan, Hawthorn and Alder. Some of the Goat Willow plus, directly a small mixed belt of Silver Birch, Pine, Larch and Oak would be lost. The western tree belt should also be protected by fencing (as per BS5837).

In general the Landscape Opportunities and Constraints comments in the DFD are accepted, in that the perimeter tree belts represent the greatest opportunity for landscape mitigation and that there is scope to strengthen these plantings. This should be a pre-requisite to any development additions within these areas given that screening will subsequently be more important for additional new building.

To further mitigate any loss of trees, it is suggested that amenity/specimen trees be planted within the areas of new development. This may be more relevant to the proposed leisure new builds between South Newmoor Drive and Annick Road.

Response – Suitable conditions can be applied relating to: Landscaping proposals incorporating strengthening and remedial maintenance to the woodland areas and the introduction of a planted margin to those compartments; the protection of trees during development phases, in line with BS 5837; and provision of amenity/specimen trees in the throughout the development areas. An informative can be attached to any planning permission advising the applicant to contact NAC Streetscene regarding the detail of these issues.

SNH - Confirm that the applicants have consulted SNH during the development of these proposals and that they are content the proposals are taken forward as described.

Response – Noted. A condition can be applied requiring that the recommendations of the Ecology Assessment are implemented.

NAC Access Officer – The Transport Assessment (TA) is limited in its consideration and analysis of provision for pedestrians and cyclists. No reference is made to the Core Paths Plan. It is identified that improvements are required to the existing path network but no recommendations are made. This could be carried out through a condition analysis of the main routes to and from the site. The proposed preparation of a Travel Plan is welcomed and areas of scope are given. Policy PI 1 (Walking, Cycling and Public Transport) and Policy PI 4 (Core Paths Network), of the draft LDP, provide an expanded or updated position which is relevant to this application. Further analysis and consideration of these policies would be welcomed. The Development Framework does not fully consider multi user routes, such as the NCN, concentrating on pedestrians and this should be addressed. The analysis of path linkages is also limited and further analysis should be undertaken to maximise connectivity, in particular the reference made that improvements to pedestrian facilities constrained by the surrounding road network could be made.

Response – Noted. Suitable planning conditions can be attached to any planning permission to address the comments of the Access Officer.

NAC Estates – No comments.

Coal Authority - Concurs with the recommendations of the Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A condition is recommended in this regard. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are sufficient in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Response – A suitable planning condition can be applied to any planning permission. An informative can be attached advising the applicant to contact the Coal Authority in relation to matters related to coal mining legacy.

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 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.

It is also important to note that the use of the site for business, industrial and storage and distribution purposes is acceptable in principle, given that such use would not constitute any underlying material change from the present situation. As such the issues which require to be discussed are largely matters of detail which can be addressed by conditions, including the siting, design and access/egress arrangements.

The main additional issue relates to the other uses proposed: ancillary public house/restaurant, hotel, crèche and retail units and how they fit with the relevant policies of the development plan, and other material considerations.

In relation to the NALP the following policies are relevant and shall be assessed in turn.

IND6, IND7, TRA1, TRA2, TRA10, IND14, TOU1, INF6, TC6, OS3, ENV16, BE13 and BE14.

Site specific policies IND6 and IND7 support business (Class 4); industrial (Class 5); and storage and distribution uses (Class 6), including small workshops of 150m² and less. As such the business, industrial and storage and distribution uses proposed are acceptable in principle.

Policy TRA1 and Policy TRA2 can be assessed against the emerging Policy PI 1 (Walking, Cycling and Public Transport) of the dLDP, see 'material considerations' below. Policy TRA10 (Taxis) can be addressed by a suitable planning condition and an informative.

Policy IND14 (Ancillary Facilities) states that proposals for ancillary leisure or retail facilities within industrial areas shall accord with the plan, provided it is demonstrated that they:

- (a) Support business and industry in the immediate area;
- (b) Are accessible from within the industrial area on foot and by cycle; and
- (c) Do not attract vehicular traffic from outwith the immediate area.

In this regard requests have been made of the applicant to provide information which allows the proposals to be assessed against IND14, to date no such information has been provided.

The proposed ancillary uses, with the exception of the proposed public house/restaurant, are considered in principle to satisfy the criteria within IND 14 as serving an only local need. Conditions will require the proposed uses to demonstrate in detail how the proposed uses meet the criteria of serving only a local need. The tests of local need as contained Policy TC 6: Local Shops would inform the consideration of all of the ancillary uses.

In terms of the public house/ restaurant, as noted above an outline proposal (Ref: 98/00250/OPP) for the erection of a pub/restaurant outlet and associated car parking, accessed off the Newmoor Interchange, and located immediately to the east of the site, was refused in January 1999. Reasons for refusal were that it would be contrary to the employment policies of the then Local Plan; and that it would result in development within a 'buffer zone' surrounding South Newmoor Industrial Estate, where it was intended that no development would take place. It is considered that such uses should be more appropriately directed to a town centre location. In these circumstances, it is considered that the proposed public house/restaurant should be refused.

TOU1 (Accommodation) requires that proposals to develop hotels shall accord with the plan, subject to the following:

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

The proposed hotel is acceptable, in principle, subject to compliance with the underlying industrial land use policy for the site and appropriate in design and scale to surrounding uses. These matters can be addressed satisfactorily at the MSC stage.

Policy INF6 (Flooding) requires that flood risk issues are fully investigated and suitably mitigated.

As can be seen above and from the comments from both NAC's Flood Engineer and SEPA, a Flood Risk Assessment (FRA) has been submitted in support of the application and is considered satisfactory. A framework strategy has been prepared from the findings of the FRA, a suitable condition can be applied to any permission requiring that appropriate flood management measures are incorporated at MSC stage. SEPA also recommend a condition relating to the provision of a 1000 year standard of protection for any crèche, which is considered a vulnerable use.

NAC's Flood Engineer also advises that a drainage and surface water strategy must be submitted at MSC stage, for the development site as a whole, and should outline overall maintenance proposals thereof. A suitable planning condition can be applied to any permission. Subject to these conditions, it is considered that the proposals can comply with the requirements of INF6.

TC6 (Local Shops) requires that retail proposals, outwith town centres, are justified against the following criteria: (a) they meet a recognised local need, (b) are located where they can be conveniently accessed on foot from the adjacent development, and (c) will have no detrimental effect on infrastructure by attracting additional traffic from outwith the local area.

As discussed above, in relation to IND14 and TOU1, a proposed retail use is acceptable, in principle, subject to compliance with the criteria of Policy TC 6. These matters can be addressed satisfactorily at the MSC stage..

Policy OS3 (Open Space Provision) which requires that significant developments, other than housing, which incorporate open space shall be required to demonstrate that they have given consideration to opportunities to locate amenity open space and wildlife areas in such a way as to contribute to the establishment of a 'green corridor' network in and around towns and villages, in the interests of amenity, outdoor recreation, landscape and nature conservation.

It is considered that there remains some potential conflict, looking at the indicative 'concept site plan', between developed areas and amenity areas of value to wildlife. In particular the sites south-west corner which would see an area of grassland built upon, with development coming very close to the existing tree belt. This issue has been raised by NAC Streetscene, who advise that development should be set back from trees. To address these issues a suitable planning condition can be applied to any planning permission requiring that at the MSC application stage it is demonstrated that the development and proposed landscaping contributes to the establishment of a 'green corridor' network in the wider locality, in the interests of amenity, outdoor recreation, landscape and nature conservation and that existing/retained landscaping is protected. It is also important to note that these existing trees form a valuable visual barrier from and to the A78/A71 corridor.

Policy ENV16 (Contaminated Land) requires that proposals for the restoration and/or remediation of contaminated land for an appropriate fit for purpose use shall accord with the local plan, subject to compliance with appropriate remedial measures.

NAC Environmental Health advise that, given the potential for contamination within the site, that prior to development commencing, a desk study of the site to assess the likelihood of contamination and to inform a site investigation, subsequent quantitative risk assessment and remediation measures be undertaken. A methodology is also provided. Additionally any unsuspected contamination encountered during development shall be reported and treated in an agreed way. Finally on completion of works verification of any remediation shall be submitted to NAC. Suitable conditions can be applied to any planning permission requiring that such matters are addressed.

An informative can also be attached advising the applicant to contact Environmental Health on these matters. Subject to these considerations the proposal would accord with Policy ENV16.

An appropriate condition would address Policy BE13 (Art in the Community) which encourages the provision of art in major developments. The proposal is acceptable in principle, in relation to Policy BE13

Policy BE14 (Design Guidance) requires that proposals for development should take account of approved design guidance. As the application seeks planning permission in principle, detailed design issues will be considered at MSC stage, an informative can be attached to any planning permission directing the applicant to the approved design guidance.

All development proposals require to be assessed against the relevant criterion of the Development Control Statement (DCS). It is considered that criteria (a) Siting, Design and External Appearance, (b) Amenity, (d) Access, Road Layout, Parking Provision and (e) Water and Sewerage, are relevant.

(a) Siting, Design and External Appearance

Matters of detail associated to the siting, design and external appearance require to be reserved, by condition, to the MSC application stage. An informative can be attached advising the applicant to contact NAC's Planning Service for guidance in relation to the scope and format of a Design Statement to support any MSC application, and to direct them to the approved design guidance.

(b) Amenity

This application seeks planning permission in principle only, issues associated to impacts on amenity cannot be assessed in detail. Consultation with NAC Environmental Health has raised no particular issues in relation to amenity impacts, other than during the demolition and construction phases, and advice is given in this regard. A suitable informative can be attached advising the applicant to contact EH in relation to practices during the demolition and construction phases.

Advice from the Council's Arboricultural Officer, based on the indicative layouts contained within the DFD and Ecology Assessment submitted in support of the application, shows that there is potential for the loss of trees and hedgerows. Suitable conditions can be attached requiring that an Arboricultural Impact Assessment and Arboricultural Method Statement be undertaken and used to guide the detailed design process and that the recommendations within the submitted Ecology Assessment are implemented. Detailed landscaping proposals, to include measures to preserve and supplement trees and hedgerows is also required at the MSC stage. Suitable planning conditions can be applied to any planning permission.

(d) Access, Road Layout, Parking Provision

Given the above considerations on these criteria, it is considered that the principle of the development is acceptable and that matters of detail can be addressed by planning conditions, which would allow detailed assessments to be undertaken at the MSC application stage. Relevant conditions would require: supporting Transport Assessments, analysis and improvements to local non-vehicular routes and a Travel Plan. An informative can be attached to any planning permission advising the applicant to discuss the scope and content of these documents with NAC Roads and Transportation, Transport Scotland and NAC's Access Officer.

(e) Water and Sewerage

Given the above considerations on these criteria, it is considered that the principle of the development is acceptable and that matters of detail can be satisfactorily controlled by suitable planning conditions, which would allow detailed assessments to be undertaken at the MSC application stage.

Other Material Considerations

Draft Local Development Plan (dLDP)

The North Ayrshire Council draft Local Development Plan (LDP) was published on 29 April 2011 and represents the considered opinion of North Ayrshire Council. There is some change to the policy framework, relevant to this proposal, between the adopted and emerging plans.

This issue in particular relates to the relevant site specific policy IND1 (Strategic Business Locations) which identifies the site as a strategic business location and that it is to be protected from inappropriate uses and development which would compromise its quality, accessibility or marketability as a business location. In this regard it is not considered that the proposed Class 4, 5 and 6 uses raise any issues. The supported ancillary uses would be assessed against considerations of local need for such uses at this location. As such it is considered that there are no conflicts with the intent of IND1.

Policy IND5 (Mixed Use Employment Areas) is not directly relevant to the consideration of these proposals. It is advised that the finance required to facilitate the proposals is to be generated from the development of another of the applicants' landholdings at West Byrehill for residential purposes, which can be addressed by a legal agreement for that application (Ref: 13/00038/PPPM).

PI 1 (Walking, Cycling and Public Transport) requires significant trip generating proposals to demonstrate that account has been taken of the needs of walkers, cyclists and public transport users by addressing listed criterion. The issues detailed in the criterion are largely matters of detail and shall be assessed at the MSC application stage.

However, in order to ensure that these issues are considered in the detailed designs, and to address the issues raised by NAC Roads & Transportation, Transport Scotland and NAC's Access Officer, conditions can be applied requiring that the following documents are prepared in support of any MSC application: a detailed Transport Assessment, Travel Plan and Signage Strategy. The scope and content of these documents should be agreed with the relevant parties, in advance of any MSC submission, and an informative can be attached in this regard. An informative can be attached to any planning permission advising the applicant of the Policy and of the comments raised by the Access Officer. It is considered that the proposals are acceptable in principle and that detailed assessment shall take place at the MSC stage.

PI 4 (Core path network) requires that development within close proximity to the Core Path network should provide suitable links to the Core Path network, where appropriate. These issues are raised by the Access Officer above and conditions associated to these comments would ensure these matters were addressed at MSC stage.

In order to comply with Policy PI8 (Drainage, SUDS and Flooding), conditions can be attached requiring that the following matters are included in any MSC submission: a comprehensive Drainage Assessment, prepared in consultation with NAC's Flooding Risk Management; that SUDS techniques are incorporated; that a detailed Flood Risk Assessment (FRA) be completed, demonstrating that the issues raised within Policy PI8 have been addressed. The scope and detail of the FRA shall be agreed with NAC's Flooding Risk Management section. It is considered that the proposals are acceptable in principle and that detailed assessment shall take place at the MSC stage.

PI 13 (Carbon Emissions and New Buildings) requires that all new buildings must reduce their CO2 emissions above or in line with Building Standards, through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. Such measures should be demonstrated and a suspensive condition may be used to submit energy saving or on-site LZCGT schemes at the time of Building Warrant submissions. In order to address these issues a suitable condition can be applied to any planning permission.

It is considered that the proposed development, with the exception of the proposed public house/restaurant, accords in principle with the Development Plan, comprising the Ayrshire Joint Structure Plan and the adopted North Ayrshire Local Plan (Excluding Isle of Arran) (NALP) and also the emerging Local Development Plan. There are no other material planning considerations which would outweigh the provisions of the Development Plan.

Planning permission can therefore be granted 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 conditions listed in Appendix 1, and refused for the erection of ancillary public house/restaurant for the reasons contained within Appendix 2.

4. Full Recommendation

See Appendix 1.

A handwritten signature in dark ink, appearing to read 'CH', with a horizontal line drawn through the middle of the signature.

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
3 May 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00040/PPPM

Grant 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.

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

1. In order that these matters can be considered in detail.
2. To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. To meet the requirements of North Ayrshire Council's Access Officer and as Roads Authority.
4. To meet the requirements of North Ayrshire Council's Access Officer and as Roads Authority.
5. To meet the requirements of Environmental Health.
6. Requirements of the Coal Authority.
7. To secure the preservation of trees in compliance with Section 159(a) of the Town and Country Planning (Scotland) Act 1997.
8. As required by Policy OS3 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).
9. In the interest of the amenity of the area.
10. To restrict the development to the terms of its justification/special need.
11. To secure a sustainable development.
12. In the interests of amenity and to secure community involvement.

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.

APPENDIX 2

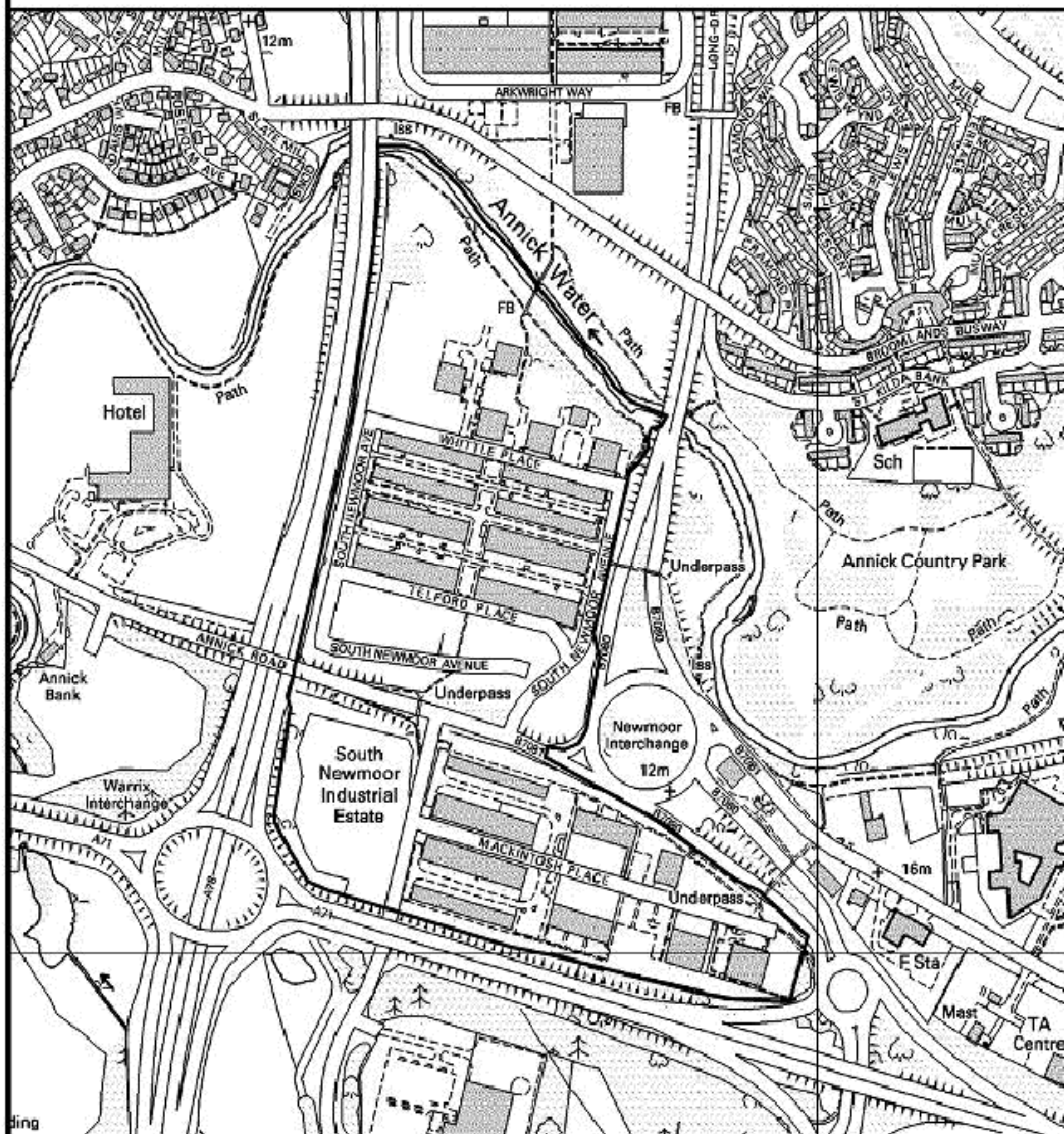
RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00040/PPPM

Refuse 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.

Committee Plans

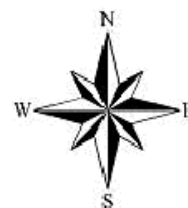
13/00040/PPPM



NORTH AYRSHIRE
COUNCIL

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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 4.3

Planning Committee

Planning Area

**15 May 2013
Irvine/Kilwinning**

Reference

13/00207/PP

Application

10th April 2013

Registered

Decision Due

10th June 2013

Ward

Irvine West

Recommendation	Grant subject to Conditions contained in Appendix 1
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Location	Chuck Wagon Lamont Drive Irvine Ayrshire
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Applicant	Andrew McKeen 1 Trondra Gardens Kilmarnock KA3 2GF
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Proposal	Removal of Condition No. 2 of Planning Permission (ref. 11/00636/PP) to permit the permanent siting of a snack bar
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1. Description

Planning permission for the replacement and re-siting of a snack bar (N/11/00636/PP) was granted by Committee on 1 November 2011, subject to conditions. Condition 2 states that "the development hereby permitted shall be discontinued and the land restored to its former condition on or before 1 November 2016, all to the satisfaction of North Ayrshire Council as Planning Authority." The reason for the condition is "in the interest of the proper planning of the area". That permission was subsequently implemented.

In December 2012, the applicant made enquiries with the Estates, Roads and Planning Services of the Council regarding the kiosk potentially becoming a permanent business at the location and was advised that planning permission would be required for the removal of Condition 2, in this regard. The applicant advised that Roads Service has not indicated any opposition to the proposal in his discussions with them and that he is currently in negotiations with Estates over the purchase of the land.

The kiosk, operating under the name 'the Chuck Wagon' was previously sited on the verge adjacent to the footway on the west side of Lamont Place and was relocated to the present position as part of a re-ordering of the road layout around Lamont Place Estate in conjunction with wider changes in the area, including the erection of a new Sainsbury's superstore, the associated petrol filling station and a new Farmfoods store. Under the new arrangements, vehicular entrance into the Lamont Drive estate was taken from a new roundabout on Ayr Road and the northern part of Lamont Place at the junction with Lamont Drive was stopped up and landscaped. The kiosk was re-located onto this area of land, to the west of Harveys furnishing store and east of Farmfoods. To the south are existing commercial and industrial buildings and the Sainsburys PFS. To the north are houses on Lamont Drive.

The kiosk presently on site measures some 10m by 3m with a flat roof some 2.7m high, is permanently fixed into the ground and is externally finished in timber effect cladding from ground level up with painted on signage around a 'wild west' theme. There is no internal customer seating, externally there is a small paved area to the front (south), level with the surrounding ground. The hours of opening are 0830-1545 hours Monday to Saturday and 1000-1545 on Sundays. The kiosk is permanently connected to services and utilities and has a large, secured wheeled refuse bin to the rear. Indicative details of external alterations to improve the appearance of the unit have been submitted, showing a fully timber clad unit, no signage and a small access ramp to the re-located front door on the west elevation. The applicant has advised that these details are subject to change once he has formalised the long term ownership and planning use issues.

The application site is located within an area allocated for employment and industry in the Adopted North Ayrshire Local Plan (excluding Isle of Arran) although in the emerging Local Development Plan, the allocation is under Policy TC 3: Commercial Centres. Policies IND6 (industrial estates) and IND7 (small workshops) confirm the acceptable uses within the industrial estate as business, industrial, storage and distribution uses within classes 4, 5 and 6. As the proposal does not fall within the aforementioned use classes, the previous application was assessed against Policy A1 (Non-conforming uses not otherwise provided for in the Local Plan). There are no other site specific policies. All development proposals also require to be assessed against the criteria of the Development Control Statement in the Local Plan.

2. Consultations and Representations

The statutory neighbour notification procedures were carried out and the application was advertised in the local press on 19 April 2013 for neighbour notification purposes and as a potential 'bad neighbour' type use. No objections or representations have been received.

Consultations

Development Planning Services (Roads and Transportation) - Condition 2 of the previous application was imposed to allow the Local Roads Authority to review the impact of the development on the adjacent road network and also to review the recent changes in the road network in case Lamont Place required to be re-opened. There have been no recorded issues associated with this development and it is now extremely unlikely that there is a need to re-open the closed section of Lamont Place. Roads and Transportation therefore have no objections to this proposal and have no further conditions to be applied.

Response - Noted.

Environmental Health - No objections.

Response - Noted.

NAC Estates - No objection. The applicant currently leases the site from the Council for a 5 year period to tie in with the existing planning consent. Informal discussions have been undertaken with a view to the applicant purchasing the site and he has been advised to resolve the long-term planning position prior to formally applying to buy.

Response - Noted. The applicant is aware that the granting of planning permission would not affect the legal position with regards to ownership and/or leasing of the ground.

3. Analysis

The application is to remove the temporary condition, thereby allowing the kiosk to operate from the site permanently. The siting of the kiosk was previously assessed against, and found to comply with, Policy A1 and the relevant criteria of the Development Control Statement and the temporary condition was applied in order to address any potential issues arising from the siting, given the re-development proposals in the wider area at the time.

The details of the hot food kiosk operation, siting, and operating hours have not changed since permission was originally granted and the main determining issue is whether the kiosk would present any additional or detrimental impacts in terms of visual amenity and/or environmental effects through its permanent siting. In these circumstances, it is not therefore necessary to re-assess the application against policy A1 and the DC Statement.

The re-development proposals and re-ordering of the road layout have now been carried out and Roads Service has indicated that the former road, on which the kiosk is located, is not to be re-opened.

The kiosk, although not a conventional building, is more substantial in appearance than a mobile unit, is permanently fixed into the ground and connected to services. The wider area is characterised by large scale, shed type, industrial and commercial units. A condition could be applied requiring that the final details of the external appearance are submitted for approval. No objections to the proposed removal of the condition have been received and neither Planning, Roads nor Environmental Health have records of any complaints being received in relation to the operation of the business since the re-location.

Furthermore, consideration has been given to the substantial length of time, in excess of 15 years, for which the business has been operating as an ancillary service to the businesses in the wider estate and, given the scale of the business and lack of suitably sized other premises in the Lamont Drive area, it is considered that any requirement to provide a new permanent building would not be viable or necessary. It is considered that the kiosk is of substantially permanent appearance and that the indicated external improvements, subject to approval, would further enhance the permanent appearance of the premises.

There would not be any significant material effect on the wider area from the permanent siting of the operation and it is therefore recommended that Condition No. 2 of the Planning Permission (ref. 11/00636/PP) be removed and permanent consent be granted, subject to conditions requiring final details of the external appearance and restricting the use of the external areas.

4. Full Recommendation

See Appendix 1.

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
1 May 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00207/PP

Grant 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.

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

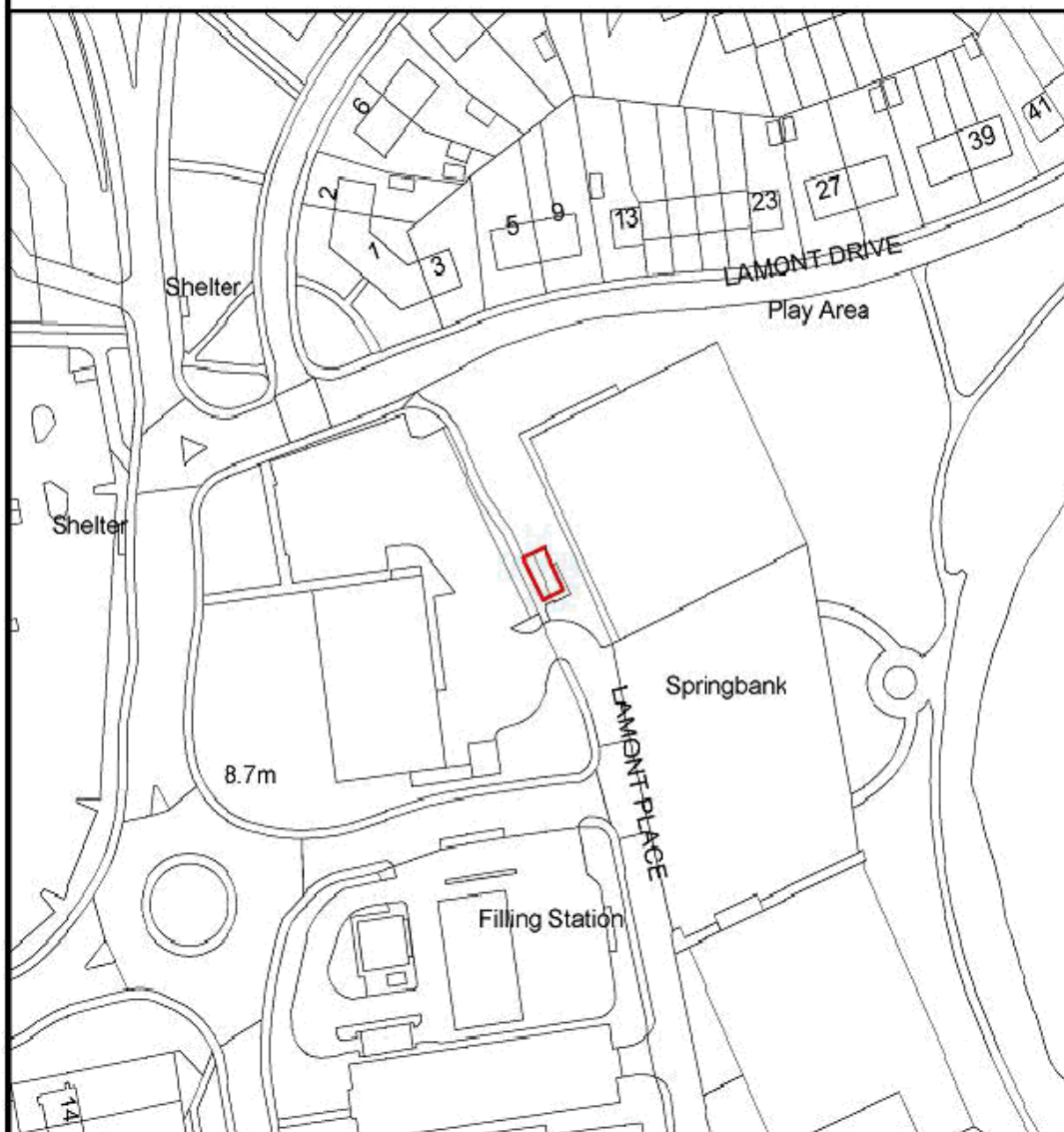
1. To maintain control over the development in the interest of amenity.
2. To maintain control over the development in the interest of amenity.

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

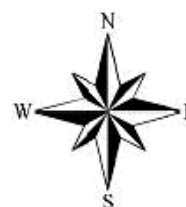
13/00207/PP



NORTH AYRSHIRE
COUNCIL

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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 5

15 May 2013

Planning Committee

Subject: **Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Land at east side of Garnock Street, at junction with Merksworth Avenue, Dalry**

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

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

1. Introduction

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Wasteland Notice") in relation to the land to the east of Garnock Street, at the junction with Merksworth Avenue, Dalry. A Wasteland Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land which is adversely affecting the amenity of any part of the area a notice requiring steps to be taken to abate the adverse affect of the condition of the land.
- 1.2 The land comprises a site to the east side of Garnock Street opposite its junction with Merksworth Avenue. To the north of the site is 22 Garnock Street and to the south a footpath leading to the River Garnock. The River Garnock bounds the site on its east side. The land formerly housed several timber sheds/garages. However these structures have been burnt down or otherwise collapsed and the land has been vacant for several years.
- 1.3 The remains of the 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.

- 1.4 The condition of the land due to the accumulation of refuse, including the remains of the timber structures, and litter has a significant adverse impact on the amenity of the local area.

2. Current Position

- 2.1 Following complaints about the state of the land in Summer 2012, an inspection was carried out on the 1 June 2012. The inspection revealed that rubbish had been dumped on site, litter had accumulated and the remains of the timber sheds/garages, some of which had been set on fire, were on site. A letter was sent to the owner of the land on 14 June 2012 requesting that they clear the land and provide written confirmation of their intentions. The owner of the land contacted the Council and stated that they would be looking into clearing the land. The Council has remained in correspondence with the owner, including a site meeting with them in November 2012 where the owner stated that they would be looking to clear the land, however no action to clear the land has been taken.
- 2.2 Site inspections in 2013 have confirmed that the land has not been cleared and indeed further dumping has occurred on site. E-mails to the owner on 21 February 2013 and 8 March 2013 stated that formal enforcement action requiring clearance of the land was being considered. An e-mail dated 11 March 2013 was received from the owner stating that they would be arranging for the clearance the following month. An e-mail dated 12 April 2013 was received from the owner stating they had been unable to clear the land. An e-mail was sent by return confirming that a report recommending the service of a Wasteland Notice would be put to the Planning Committee. An inspection of the land on 16 April 2013 revealed that there had been no improvement to the land's previous condition.

3. Proposals

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The land is located within a residential area adjacent to a well used pedestrian path.
- 3.2 In the interest of the amenity of the area it is proposed that the Committee approve the serving of a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to secure the removal of all refuse and litter from the land and the remains of the timber structures.

4. Implications

Financial Implications

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

Human Resource Implications

- 4.2 N/A.

Legal Implications

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

Equality Implications

- 4.4 N/A

Environmental Implications

- 4.5 N/A

Implications for Key Priorities

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

5. Consultations

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

6. Conclusion

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



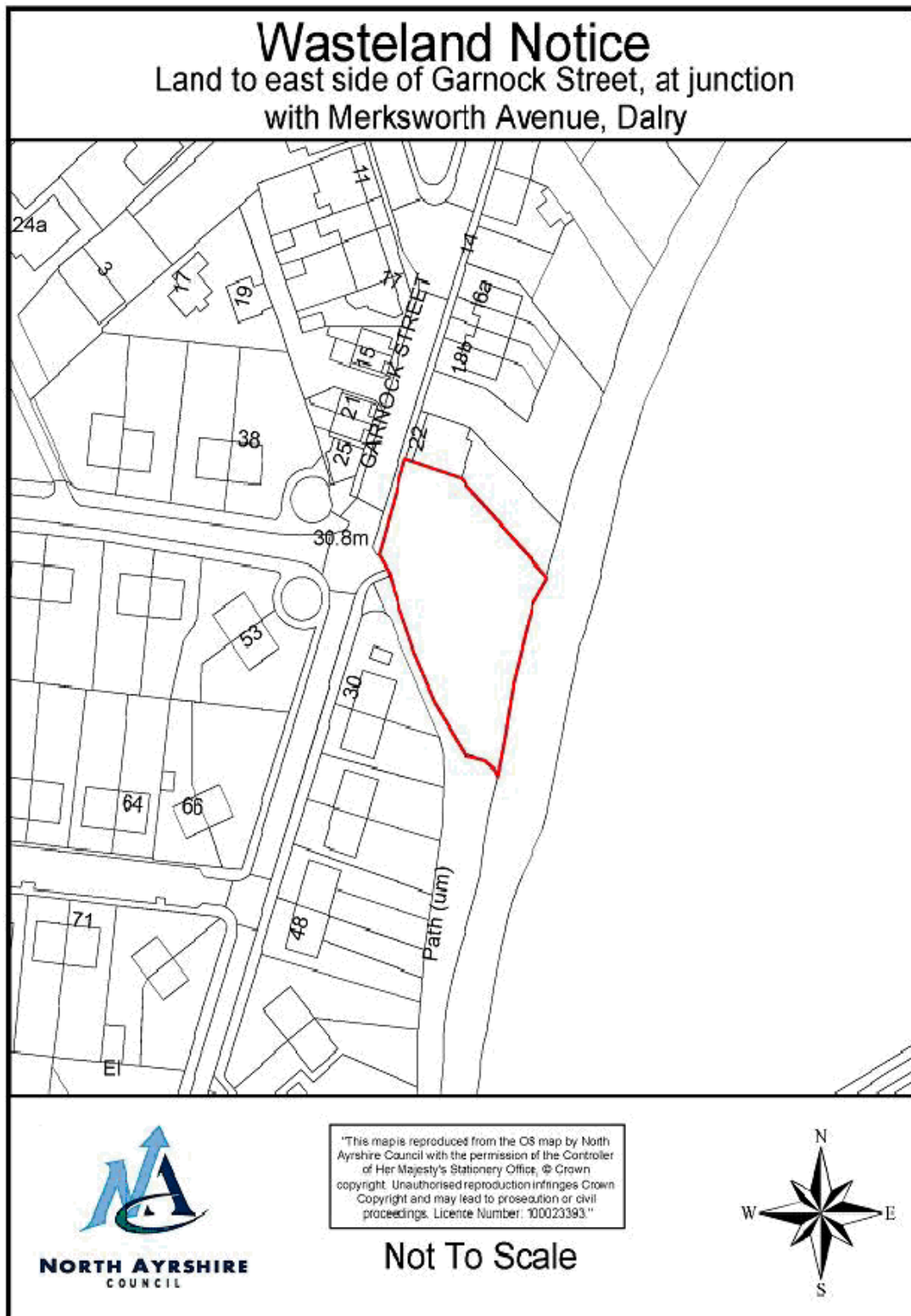
CRAIG HATTON
Corporate Director (Development and Environment)

Reference : ID/SLP

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

Background Papers

None



NORTH AYRSHIRE COUNCIL

Agenda Item 6

15 May 2013

Planning Committee

Subject: **Revocation Order to Fairlie No 1 Tree Preservation Order at Burnfoot Road/ Station Road, Fairlie**

Purpose: To consider the revocation of the Fairlie No 1 Tree Preservation Order for trees at Burnfoot Road/ Station Road, Fairlie.

Recommendation: That the Committee agrees to revoke the Fairlie No 1 Tree Preservation Order.

1. Introduction

- 1.1 The Council has powers under Section 275(8) of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 (Section 28) and the Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas) (Scotland) Regulations 2010, to vary and revoke Tree Preservation Orders (TPOs) by making another order. The procedures for making and confirming a Revocation Order are essentially the same procedures that are used for making and confirming a TPO.

2. Current Position

- 2.1 The Council may make a TPO if it appears:
- a) expedient in the interest of amenity; and/or
 - b) that the trees, group of trees or woodlands are of cultural or historical significance.
- 2.2 The existing Fairlie No 1 TPO relates to mature deciduous trees on rear garden properties that face each other at 4/8 Burnfoot Road and 5/13 Station Road, Fairlie and was designated by the Council in November 1989. The site extends to 0.125 hectare and contains the banks to the Fairlie Burn which runs through the area. A plan of the TPO is available at Appendix 1.

- 2.3 A request has been made for a review of the TPO on the basis that:
- a) the original concern regarding the elm trees which led to the TPO being established in the first place is no longer relevant due to the effect of Dutch elm disease and the subsequent felling of all elm trees within the site;
 - b) all remaining large banking trees are self-seeded and common in the entire local area, and there is no tree of any specific botanical or cultural merit;
 - c) householders are subject to high maintenance costs in dealing with common trees covered by the TPO that neighbouring properties do not have to face, and Council officials also have to spend otherwise unnecessary time and cost; and
 - d) in time, the grade B listed building at 8 Burnfoot Road, Fairlie will be threatened by self-seeded sycamores of no intrinsic value.
- 2.4 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. The felling of five elm trees in 2000 due to the presence of Dutch elm disease was the most significant proposal. More recently, in 2012, two large sycamores on the south bank were felled in the interests of health and safety following the identification of rot fungus and basal decay. At present the site contains a number of old sycamores, some beech trees, spruce species, a eucalyptus, a horse chestnut and smaller silver birch, ash, bay laurel and a weeping birch.
- 2.5 The Arboricultural Officer (Environment & Related Services) has advised that:
- “There are a line of trees on the south east banking of the burn which separates 8 Burnfoot Road and 5/11 Station Road where one early mature Sitka spruce is in fair condition; four mature to early mature beech exist with the largest tree in moderate condition with normal crown vigour but has been crown lifted previously and two other beech in poor condition due to previous heavy crown reduction and the other western most beech has also been previously topped but appears in slightly better condition.*
- The line also consists of some smaller shrubs and a young ash and a eucalyptus (in particular) which has been heavily crown reduced and is in poor condition as a result.*

These trees offer little in terms of their wider amenity value given they are only viewable by those living or visiting the immediate adjacent properties and it is considered that given the nature and extent of pruning of some of the beech that they are in a condition that makes them less worthy of protection. Furthermore, the trees present do not have any particular historic or cultural significance. ”

- 2.6 It is considered that the remaining trees within the TPO area are of little amenity value to the wider local area and are only of immediate relevance to the individual properties. There has been continual erosion of the banking over the years from the Fairlie Burn and this has left remaining trees within very close proximity of the edge of the burn in an increasingly precarious position. All the elm trees have now been lost, two large sycamores have been recently removed due to rot and basal decay, and a number of planning applications for other tree lopping and/or topping works in the interests of health and safety given their close proximity to adjoining properties have been approved. The quality of the remaining trees does not provide a significant contribution to the overall amenity of the area nor are they of any cultural or historical significance. In addition the positioning of a large number of these trees on an increasingly swollen and vulnerable river's edge is liable to present ever more problems for their on-going maintenance and eventual retention. There is also concern that some of the larger more mature trees are of such a height that if they were to fail, they could fall on adjoining houses in the locality. The continued presence of the TPO at this location is therefore difficult to justify given the above factors.

3. Proposals

- 3.1 It is proposed that the TPO at Burnfoot Road/Station Road, Fairlie is revoked and a Revocation Order is served on the owners of the site.
- 3.2 It is best practice to inform neighbouring properties to ensure local knowledge of the revocation order. Accordingly, it is proposed that the owners of 2 to 10 Burnfoot Road and 3 to 13 Station Road, Fairlie are informed of the order to revoke the existing TPO.

4. Implications

Financial Implications

- 4.1 There will be ownership fees involved in registration of the Order if confirmed. These costs are liable to be less than £100.

Human Resource Implications

- 4.2 None.

Legal Implications

- 4.3 Owners will be served with the Order by Legal Services and, if confirmed, the original TPO Order must be endorsed with a statement to that effect, specifying the date and title of the revocation order. In addition, the copy of the original TPO Order must be withdrawn from public inspection.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 The decision to revoke the original TPO Order will return the responsibility of protecting the trees to the respective owners.

Implications for Key Priorities

- 4.6 None.

5. Consultations

- 5.1 The Arboricultural Officer (Environment & Related Services) and Legal Services have been consulted and their comments have been embodied within the report.

6. Conclusion

- 6.1 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. These considerations allied with 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, that it is proposed the existing TPO be revoked and responsibility for protecting the trees be passed back to the owners.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : RRH

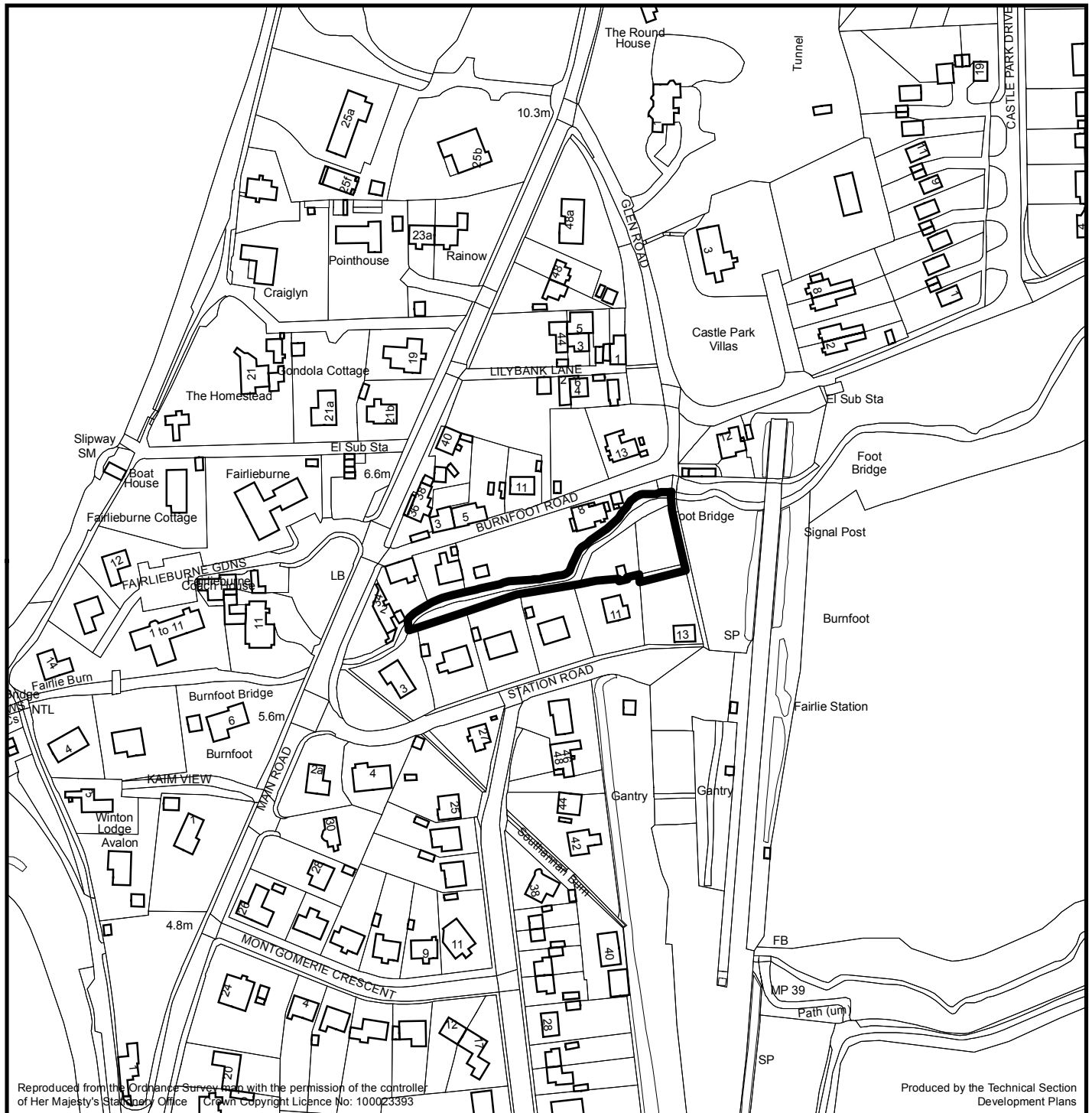
For further information please contact Richard Henry, Planning Officer on
01294 324777

Background Papers

None

TREE PRESERVATION ORDER

Fairlie No. 1



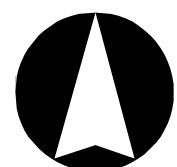
Address: Burnfoot Road/Station Road, Fairlie.

Grid Ref: NS 2097 5470

Area: 0.176Ha.

Description: Mature deciduous trees.

Date Confirmed: 21st November, 1989



NORTH

Scale: 1:2,500

NORTH AYRSHIRE COUNCIL

Agenda Item 7

15 May 2013

Planning Committee

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

Purpose: To advise members of the notification by Scottish Natural Heritage that land at Portencross Coast is proposed for renotification as two separate smaller sites of special scientific interest - Portencross Woods SSSI and Southannan Sands SSSI - both of which require to be given due account in considering planning applications and in the preparation of the Local Development Plan.

Recommendation: It is recommended that the Committee submit representation to support, in principle, the proposed Portencross Woods SSSI and Southannan SSSI designations.

1. Introduction

- 1.1 In correspondence dated 20 March 2013, Scottish Natural Heritage (SNH) has notified the Council that land at Portencross Coast is proposed for re-notification under the Nature Conservation (Scotland) Act 2004. Two separate sites of special scientific interest are proposed – Portencross Woods SSSI for coastal woodland and Southannan Sands SSSI for its extensive mudflats, both nationally important habitats. Any representations in respect of the SSSIs are to be made to SNH by 24 June 2013.

2. Current Position

- 2.1 Portencross Coast SSSI, which lies to the south of Fairlie, was first recognised for its nature conservation interest in 1971. Since its original designation as a SSSI, land within the site has undergone a degree of industrial reclamation and development including the construction of a British Steel ore terminal, an oil rig construction yard and a nuclear power station. Land within the boundary has therefore changed dramatically and part of the site was included in the National Planning Framework 2 (NPF 2) for a new power station and transshipment hub at Hunterston. The reduction in area of the SSSI in the area is long overdue given the extent of industrial development that has taken place since the 1970s. The site is currently used as a coal transshipment terminal and the oil rig construction yard site has recently been the subject of planning permission for a national offshore wind turbine test facility. Hunterston has also been identified by the National Renewables Infrastructure Plan (NRIP) as a key strategic location with particular capacity for integrated manufacturing with development opportunities as a fabrication and supply base for the marine renewables industry.
- 2.2 Significant grid connections with a new converter station and substations (recently granted planning permission) are currently proposed at Hunterston with a new marine high voltage direct current (HVDC) subsea link coming from Deeside in North Wales together with a subsea connection from Kintyre. A partnership comprised of North Ayrshire Council, Irvine Bay Regeneration Company, Scottish Enterprise, Clydeport and the Nuclear Decommissioning Agency have commissioned a Competitive Advantage Study from URS Infrastructure & Environmental UK Ltd to examine the best means of realising future employment generating uses and associated local economic impact at Hunterston. In addition, much of the site is zoned for industrial use in the North Ayrshire Local Plan (Excluding Isle of Arran) and the new Modified Local Development Plan which has recently been submitted to Scottish Ministers for examination. SNH consider that the existing SSSI boundary is no longer appropriate and following an evaluation process now wish to renotify the site to take account of the above industrial uses.

3. Proposals

- 3.1 SNH have proposed that Portencross Coast SSSI be renotified as two smaller sites because of their natural features and taking into account the extent of land now used for industrial purposes within the original protected area. The two separate sites are:

- (a) Portencross Woods SSSI recognised as being nationally important for its coastal woodland (upland mixed ash woodland) and extending to 18.52 hectares; and
 - (b) Southannan Sands SSSI recognised as being nationally important for its extensive mudflats (sandflats) with intertidal marine habitats and saline lagoons. The sandflats are not continuous being broken by the Hunterston industrial developments and divide into three discrete areas: Hunterston Sands, Southannan Sands and Fairlie Sands; the overall site runs for over 4km along the coast and extends to 255.68 hectares.
- 3.2 SNH has consulted the land owners and occupiers together with four local community councils and other organisations with an interest in the site. Detailed plans for both SSSIs together with a plan showing the areas to be denotified from the original Portencross Coast SSSI is available at Appendix 1.
 - 3.3 The construction yard and ore terminal/coal transshipment terminal areas together with the coastal cliff stretch and coast lands south of the nuclear power station are now to be removed from the area given protection by the original Portencross Coast SSSI designation. A detailed site management statement accompanies both SSSIs and provides guidance to the owners and occupiers of the land on how the site's natural feature should be conserved or enhanced. A number of operations are subject to prior consultation and relate specifically to any works that are liable to alter, modify, directly or indirectly affect the natural features within the designated site.
 - 3.4 It is recommended that the Committee submit representation to support, in principle, the proposed Portencross Woods SSSI and Southannan SSSI designations.

4. Implications

Financial Implications

- 4.1 None.

Human Resource Implications

- 4.2 None.

Legal Implications

- 4.3 None.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 The area covered by the two new SSSI designations is smaller than the previous SSSI designation by some 200 hectares but focuses on the key areas of wildlife interest. The woodland is considered to be the largest and highest quality example of coastal upland mixed ash woodland in Ayrshire and the mudflats are by far the biggest and best example of this type of habitat within the Firth of Clyde with large areas of dwarf eelgrass, a plant that is scarce nationally. An oyster farm presently operates within the Southannan Sands site and is currently the subject of a separate consultation by Scottish Government (Marine Scotland) on an application to regularise planning permission for the operation. At present the oyster farm is controlled under food hygiene and EC legislation by Environmental Health and they have advised that they have no objections to the renotification of the Portencross Coast SSSI. All existing aquaculture operations are presently being regularised by Marine Scotland.
- 4.6 The general management objectives specified in the site management statements for both SSSIs are broadly considered acceptable and the proposed reduction of the former extensive Portencross Coast SSSI into two new smaller SSSIs is supported in principle.

Implications for Key Priorities

- 4.7 The proposed changes to the Portencross SSSI will require to be given due consideration in considering planning applications and in the preparation/review of the Local Development Plan. They will also be seen to contribute to the implementation of Single Outcome Agreement 12 “Our Environment is Protected and Enhanced”.

5. Consultations

- 5.1 Consultation has been carried out with Environmental Health.

6. Conclusion

- 6.1 The proposed renotification of Portencross Coast SSSI into two smaller SSSIs at Portencross Woods (coastal woodland) and Southannan Sands (extensive mudflats) focuses on the notifiable nature conservation interests of the area and deletes large areas of industrial land at Hunterson (ore terminal/coal transhipment terminal and construction yard) from the original SSSI designated site of 1971. The reduction in area of the SSSI in the area is long overdue given the extent of industrial development that has taken place since the 1970s and is welcomed in principle. The proposed changes will require to be given due consideration when considering planning applications and in the preparation/review of our Local Development Plan.



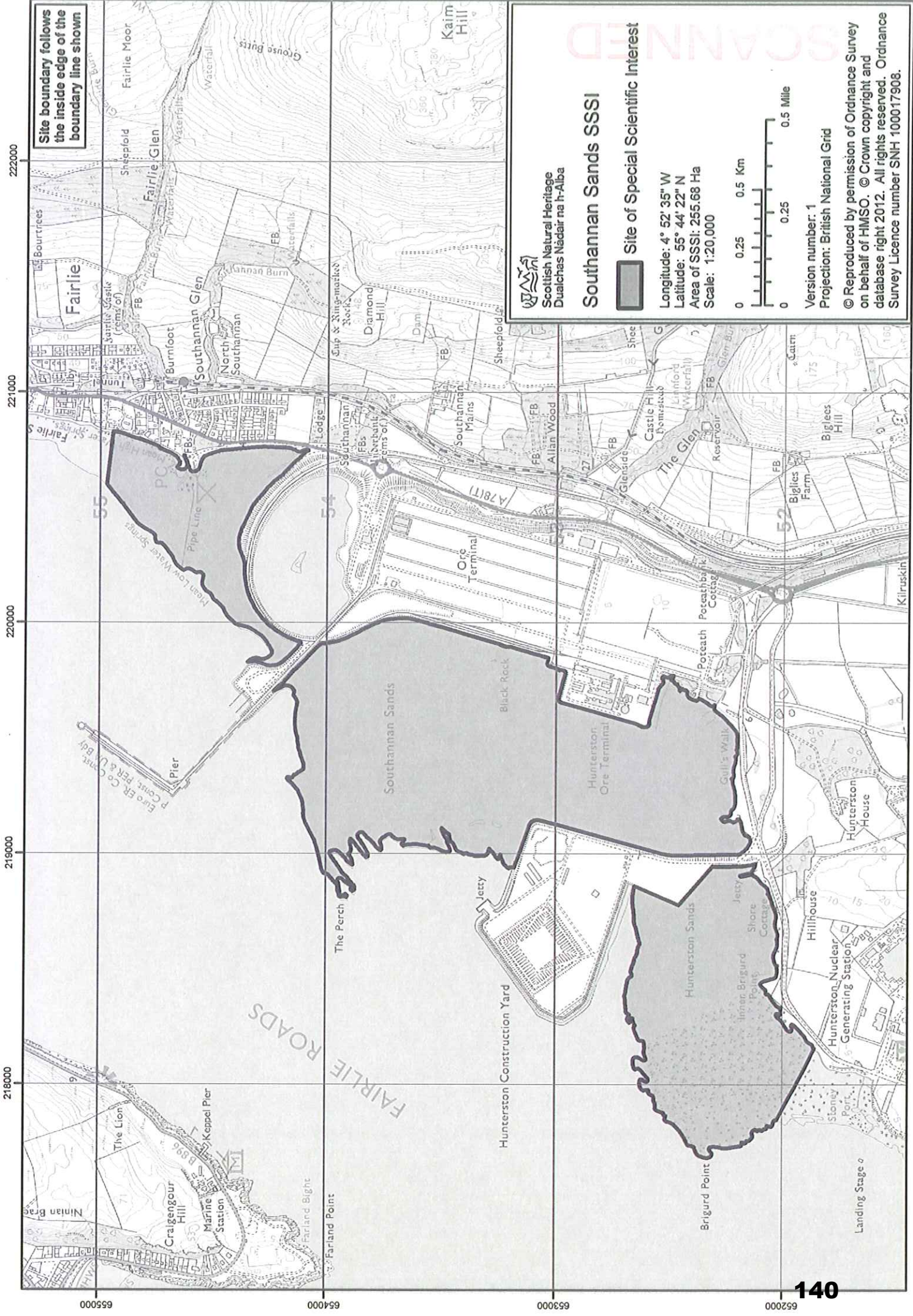
CRAIG HATTON
Corporate Director (Development and Environment)

Reference : RRH/HW

For further information please contact Richard Henry, Planning Officer on 01294 324777

Background Papers

Scottish Natural Heritage – Consultation on Portencross Woods SSSI and Southannan Sands SSSI under Section 3(1) of the Nature Conservation (Scotland) Act 2004



Site boundary follows the inside edge of the boundary line shown



Scottish Natural Heritage
Dualchas Nàdair na h-Alba

Southannan Sands SSSI

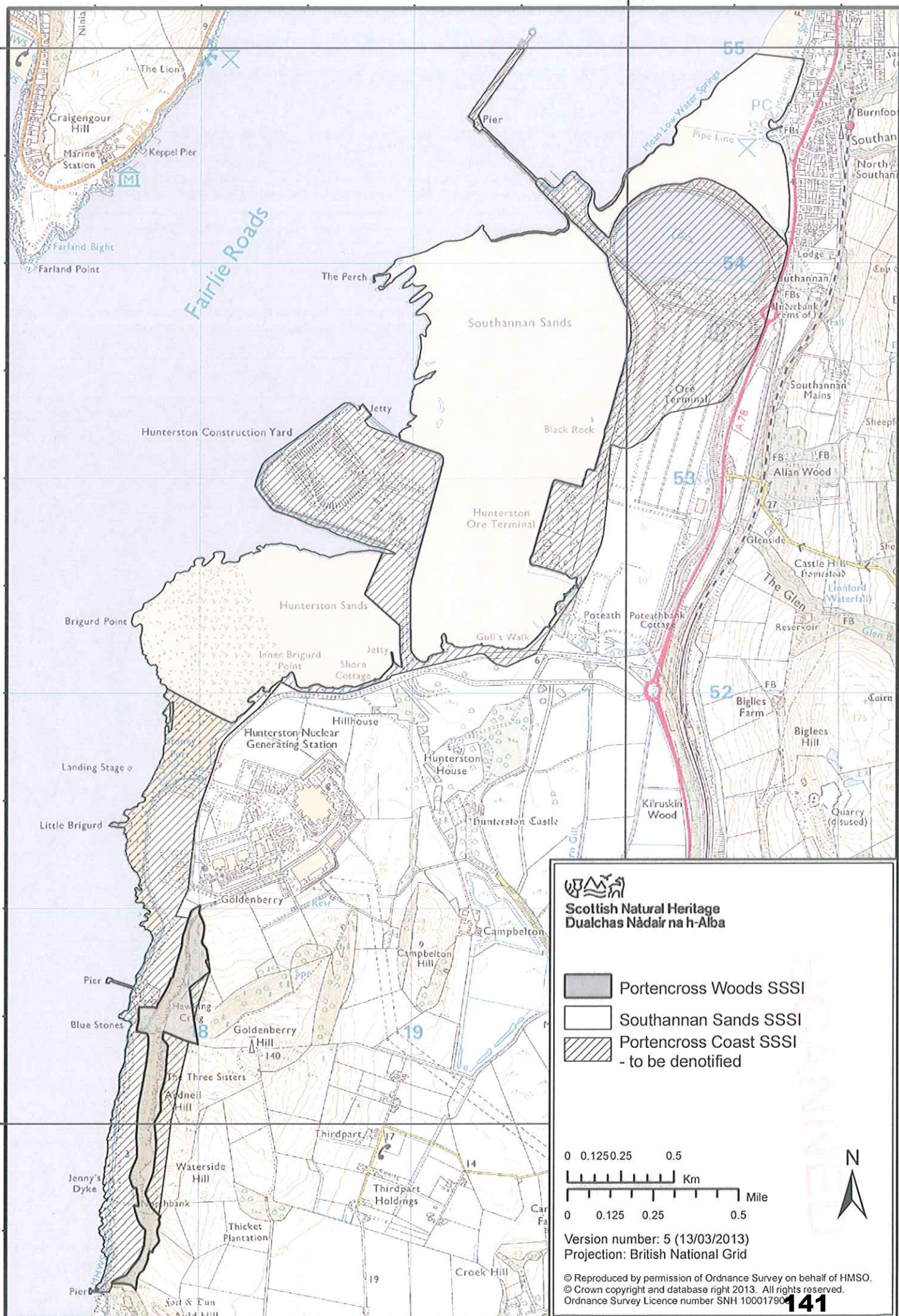
Site of Special Scientific Interest

Longitude: 4° 52' 35" W
Latitude: 55° 44' 22" N
Area of SSSI: 255.68 Ha
Scale: 1:20,000



Version number: 1
Projection: British National Grid

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NORTH AYRSHIRE COUNCIL

Agenda Item 8

15 May 2013

Planning Committee

Subject: **Proposed Development Brief: Perceton House, Irvine**

Purpose: To approve the Development Brief attached at Appendix 2 for publication in support of the active marketing of the site.

Recommendation: The Committee is invited to approve the Development Brief for Perceton House for publication.

1. Introduction

- 1.1 Perceton House and the surrounding site (Appendix 1) are in full ownership of the Council. The site has been identified as a surplus property asset for disposal following the intended relocation of existing staff to Bridgegate House, Irvine, which is in the process of being refurbished. The site was purchased by Irvine Development Corporation in 1968 and has been in the ownership of the Council since the local government reorganisation in 1996. Perceton House, itself dates from the late 18th Century (c. 1770) and is a category 'B' listed building whilst the stable block is a category 'C' listed building.

2. Current Position

- 2.1 The emerging Local Development Plan identifies the potential for redevelopment of the Perceton House site, and allocates parts of the site for residential use with an indicative capacity of 40 units. The heritage interests, combined with the landscaped grounds, mature trees and other ecological considerations have resulted in the preparation of a development brief. The purpose of the brief is to outline the parameters for future proposals in order to streamline the planning process, and to assist prospective purchasers in working up feasible proposals for redevelopment.
- 2.2 The Development Brief (Appendix 2) contains information on acceptable uses, which include housing, other residential use (such as a 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, designed landscape and the presence of one or more bat species.

3. Proposals

- 3.1 The proposed development brief would inform the determination process for a future planning application by providing guidance to developers on the matters which required to be addressed in redeveloping the site.
- 3.2 Accordingly, Members are invited to approve the proposed development brief at Appendix 2 for publication.

4. Implications

Financial Implications

- 4.1 There are none.

Human Resource Implications

- 4.2 There are none.

Legal Implications

- 4.3 There are none.

Equality Implications

- 4.4 There are none.

Environmental Implications

- 4.5 There are none.

Implications for Key Priorities

- 4.6 Approval of the development brief would further Single Outcome Agreement National Outcome 12: 'we value and enjoy our built and natural environment and protect it and enhance it for future generations'.

5. Consultations

- 5.1 Consultation has been carried out with Historic Scotland, Scottish Natural Heritage, West of Scotland Archaeological Service and the Garden History Society Scotland. The advice secured from these organisations is reflected in the brief.

6. Conclusion

- 6.1 It is recommended that the Council approves the Development Brief at Appendix 2 for publication in order to set clear parameters for the sensitive redevelopment of the Perceton House site, and to support the disposal of the ground by the provision of information to assist prospective purchasers in appraising the site for redevelopment.



CRAIG HATTON
Corporate Director (Development and Environment)

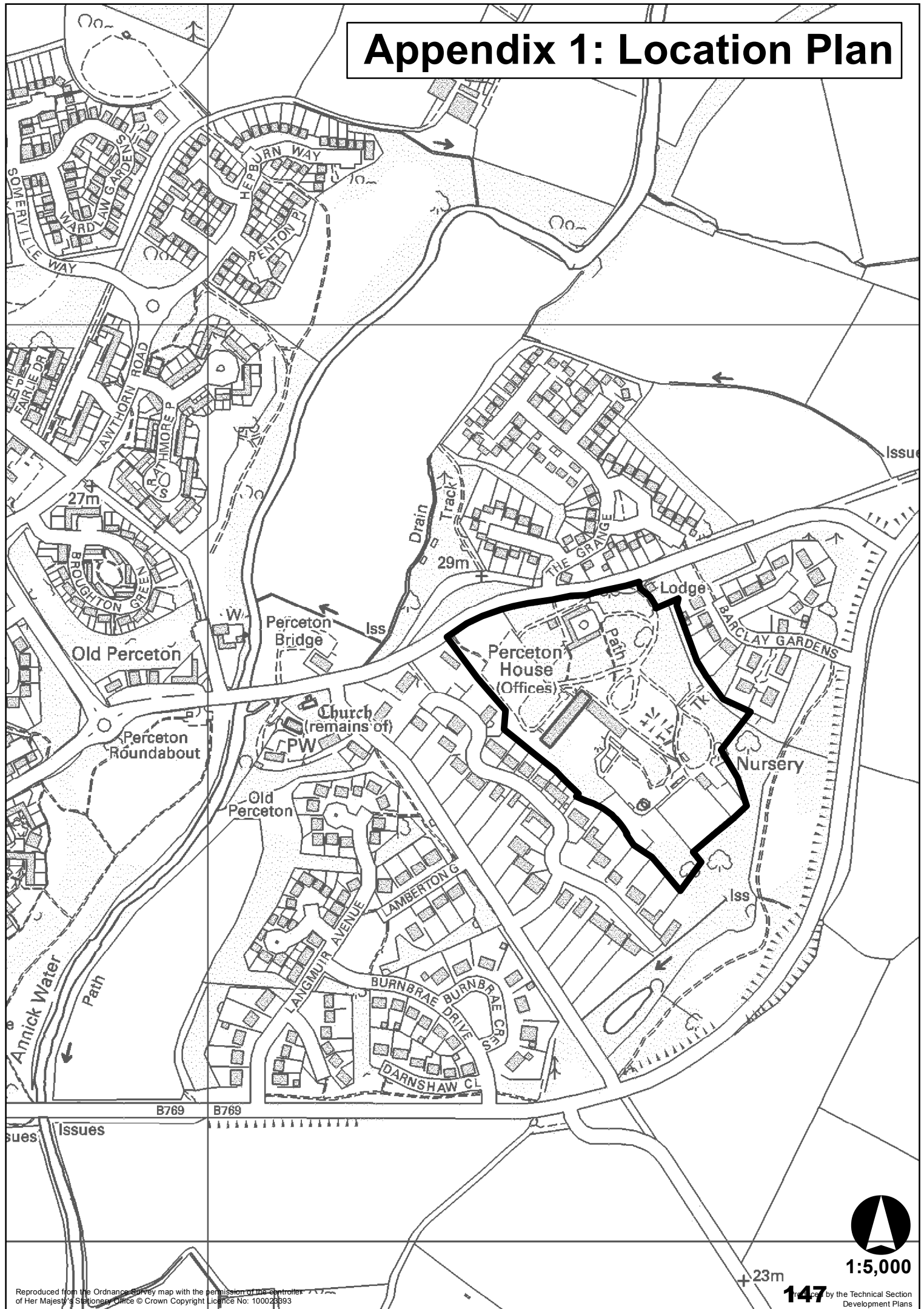
Reference : LW

For further information please contact Lesley Wells, Assistant Planning Officer on 01294 324368

Background Papers

None

Appendix 1: Location Plan



Perceton House

Development Brief



PERCETON HOUSE DEVELOPMENT BRIEF

SITE DESCRIPTION/CONTEXT

The site of Perceton House is located within Perceton Conservation Area, Irvine and extends to 5.88Ha. Please refer to Appendix 1: Location Plan.

In 1971 the House became A listed yet through recent assessment by Historic Scotland this has been reviewed and it is now B listed. In 1980 the stable block was C listed and remains as such following the same review.

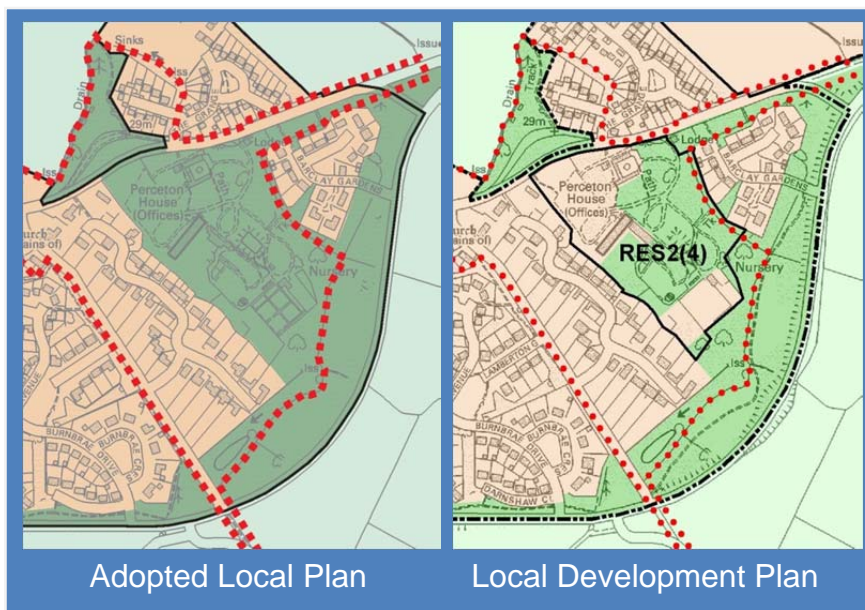
The site is designated as a local landscape of historic interest by the Garden History Society and sits within a wider Site of Importance for Nature Conservation. The south eastern boundary of the site backs onto a Scottish Wildlife Trust (SWT) Reserve. Please refer to Appendix 2: Site Considerations. The site is in full ownership of the North Ayrshire Council.

Perceton House and its grounds have a longstanding legacy within North Ayrshire. The house dates from the late 18th Century (c.1770) and was built by William McCreadie. It remained in private ownership until 1968 when the estate passed to Irvine Development Corporation and subsequently North Ayrshire Council. This date marks the addition of the modernist office block to the property. The extension was purposely built for potential conversion for use as a hotel once it was deemed surplus to requirements.

LOCAL PLAN ALLOCATION

The adopted North Ayrshire Local Plan allocates the site as Leisure and Open Space. However, the emerging Local Development Plan (LDP) allocates parts of the site for residential use with an indicative capacity of 40 units. It is anticipated that the new LDP will be adopted in late 2013.

Any development proposals would be expected to take account of the sensitivities of the site which include the listed buildings, designed gardens, mature trees and wider conservation area.



SERVICE INFORMATION

Information relating to service provision is available from the Council on request. Contact details can be found on page 8.

DEVELOPMENT PRINCIPLES

Proposed Uses

Acceptable uses, in principle, as per the LDP, are housing, and other uses compatible with a residential allocation such as a care home or other residential institution. The LDP also provides policy support for a hotel/leisure use.

The Council's Affordable Housing Policy is applicable to the site, and developer contributions towards transport improvements may be required. Planning Services can offer further advice in this regard. Contact details can be found on page 8.

Any development on the site will be informed by a tree survey which will be carried out in due course.

Built Form/Density

To provide an indicative view of the developable area of the site, specific zones have been identified to inform proposals. Please refer to Appendix 3: Development Zones. The areas identified are indicative only. The Council is flexible regarding the developable area provided that the sensitivities of the site are satisfactorily dealt with.

Two key considerations which will inform the layout of development proposals are: (i) the impact of development upon the approach and principal elevation of Perceton House (see Fig. 1); and (ii) the location of the trees identified within the tree survey for retention.



Fig. 1 Approach and principal elevation of Perceton House

Refurbishment of the listed buildings should be completed within an early phase of development to safeguard the future of these heritage assets. This will be secured via a condition of planning consent.

Zone A: Stable Block and Car Park

The stable block is C listed and currently in use. The approach to the stable block (Fig. 2) and the courtyard layout (see Fig. 3) would support conversion to residential development or leisure use. Having been altered in the past there is considerable potential for conversion of the stable block which could result in significant improvement to the building.



Fig. 2 Approach to the stable block



Fig. 3 Courtyard layout

There is also potential to demolish the additional building to the rear of the stable block (Fig 4), however due consideration must be given to the impact of demolition upon the stable block.

The existing hardstanding car park (see Fig. 5) is identified by the LDP for residential use. Development on this area of the site should give particular consideration to its relationship with Perceton House, and could be single or two storey. Depending on the proposed use, there is scope for development in this area to physically link with Perceton House, provided this is done sympathetically and with no or minimal impact on the principal elevation of the house.



Fig. 4 Building to the rear of stable block



Fig. 5 The existing hardstanding car park

The sensitive landscape area as shown by Appendix 3 should be retained and enhanced to protect the setting of the stable block. This will be further informed by the tree survey.

Development in this area is likely to be visible from the adjacent road and consideration should therefore be given to the impact on visual amenity.

Zone B: Perceton House and Setting

Currently B listed, the house forms a focal point for the development. Sensitive re-use which safeguards the future of the building is essential. The views on entering the site, on approach to the house, should be maintained to retain the relationship between the house and the setting.

Historic Scotland has advised that any development should be located away from the formal approach and views to the house. Historic Scotland encourage early discussion with potential purchasers regarding future proposals. Contact details can be found on page 8.

The house is currently occupied by the Council and extensive refurbishment in the last century allows potential for reuse or conversion. Work to the interior of the house should seek to protect the remaining formal rooms and restore more of the internal spaces where possible.

The attached 1960s office building (see Fig. 6) is not listed, and reuse/refurbishment is encouraged. The office building was carefully constructed so as not to impact on the principal elevation of Perceton House. Any redevelopment proposals would be expected to follow the same principle. As it is not listed there would be no formal objections to demolition however this would require detailed discussion and justification given the attached B listed house.

The sensitive landscape area as shown by Appendix 3 should be retained and enhanced to protect the setting of the house. This will be further informed by the tree survey.



Fig. 6 1960's office building

Zone C: Former Nursery Area and Gardens

The former Nursery Area (see Fig. 7) is well screened from both the listed buildings. Proposals are therefore likely to be relatively self-contained, and the relationship between proposals in this area to the listed buildings is less important. Three storey development may be acceptable in the less sensitive areas of this zone.



Fig. 7 Former nursery area

While the remaining garden area is not allocated specifically for development by the LDP, it is recognised that there may be potential for development on this part of the site. The visual impact on the setting of Perceton House, impact on neighbouring properties and loss of designed landscape must be carefully considered within a Design Statement.

The south eastern boundary of Zone C backs onto an SWT reserve. As indicated by Appendix 3, this boundary is a sensitive landscape area and a 'no development' zone is required to protect the reserve and ensure the safety of any future development. Appendix 3 identifies potential links into the reserve which will

be subject to discussion with SWT prior to application for development. Contact details can be found on page 8.

Any development of this area will require unique justification within the accompanying Design Statement, and, as with development on other parts of the site, should retain natural features where possible.

Materials & Design

This is an opportunity for a development of high quality design within an attractive historical and green setting. A Design Statement must be submitted with any application and should take cognisance of successful surrounding developments (See Fig. 8), [Designing Streets](#) and the Council's [Neighbourhood Design Guidance](#).



Fig. 8 Successful development in the locale

The range of acceptable materials will be limited for Zones A and B given the listed buildings and need to preserve these heritage assets and their setting. For Zones A and B, any new materials should match original materials and any departure from these in favour of contemporary materials should be justified within a Design Statement. For the car park area, materials used should bear a relationship with the House and Stable Block, and should be justified within the Design Statement.

The palette of materials for Zone C is more flexible given that the site is relatively self contained. However, development across both areas should show some links in its approach to design and materials.

Developers are encouraged to use a range of active and passive energy efficiency measures and to utilise renewable energy sources within the layout and design of proposals where possible. This should be highlighted in a Design Statement.

Access and Parking

Use of the existing vehicular access would be supported to maintain the historic entrance to the site, preserving the setting of Perceton House and its relationship to the surrounding landscape.

The internal road layout should be in accordance with the Council's Road Development Guide. [Designing Streets](#) provides useful guidance on the creation of safe attractive streets through layout and design. It is essential that a Designing Streets approach is incorporated within development on the site.

The retention of existing and incorporation of new pedestrian and cycle accesses (see Appendix 3) are encouraged to produce an attractive, well connected development which prioritises the pedestrian and cyclist. In addition, links to existing public transport services should be considered.

All matters regarding access, road and footway design should be discussed at an early stage with North Ayrshire Council Roads Services and Planning Services as the Access Authority. Contact details can be found on page 8.

Flooding and Drainage

Despite the site's close proximity to the Annick Water there are no known significant flooding or drainage issues affecting the site.

A Sustainable Urban Drainage System must be used to treat surface water.

Ecological Considerations

There is a bat population present within the area and within the buildings on site.

Bats are protected under the Conservation (Natural Habitats & c.) Regulations 1994 as amended. A licence is required for the removal or disturbance of this protected species and or any works that would affect their hunting and or habitat.

The Council holds previous survey information relating to the current bat population on site. Updated survey work will require be carried out in relation to the site at planning application stage.

Trees within the curtilage of Perceton benefit from Conservation Area Status. Prior notice must be given of any proposed works to trees. The tree survey will inform what action requires to be taken for specific tree specimens within the site.

Planning applications must be accompanied by a Phase 1 habitat survey.

Archaeological Considerations

West of Scotland Archaeological Service (WOSAS) has advised that despite the historical context of Perceton House and the surrounding landscape it is anticipated that there is little remaining archaeological data that would be disturbed through development.

Any application will be reviewed by WOSAS, on behalf of the Council, who will advise on any action required at development stage, such as a watching brief.

Boundaries

The development footprint should not encroach on any area covered by the canopy of retained trees, to avoid future amenity/safety issues and to safeguard the continued preservation of the trees.

The preservation of existing boundaries is central to retaining the historic setting of the site which is defined by the relationship between the listed buildings and the surrounding natural landscape. Any proposals to remove or significantly alter existing historic boundary treatments (including hedging) should have clear justification.

Landscape/Open Space

The existing landscaping should be incorporated into the layout and design of the development, to retain the setting of the listed buildings, where possible, and to complement the visual amenity of the area. Providing an attractive and mature setting for the site is essential.

The imaginative use of paving and landscaping materials defining public and private spaces as well as provision for walkers and cyclists and parking areas should be a design feature of the site.

Early discussions on open space, including adoption and maintenance matters should be held with North Ayrshire Council Streetscene Services. Contact details can be found on page 8.

Key Contacts

The following key contacts can provide further advice on the site if required.

Roads	Perceton House, Irvine, KA11 2AL Tel: 01294 225235
Property Management & Investment	Perceton House, Irvine, KA11 2AL Tel: 01294 225099
Streetscene	Montgomerie House, 2A Byrehill Drive, West Byrehill Industrial Estate, Kilwinning, KA13 6HN, Tel: 01294 541526
Planning	Cunninghame House, Irvine, KA12 8EE, Tel: 01294 324768
Historic Scotland	Dara Parsons, Tel: 0131 668 8779
Scottish Natural Heritage	Graeme Walker, Tel: 01292 270760
Scottish Wildlife Trust	Gill Smart, Tel: 01294 279376

List of Appendices

Appendix 1: Perceton House Location Plan.

Appendix 2: Site Considerations.

Appendix 3: Development Zones.

Images

Fig. 1 Approach and principal elevation of Perceton House

Fig. 2 The approach to the stable block

Fig. 3 The courtyard layout

Fig. 4 Building to the rear of stable block

Fig. 5 Hardstanding car park area

Fig. 6 1960's office building

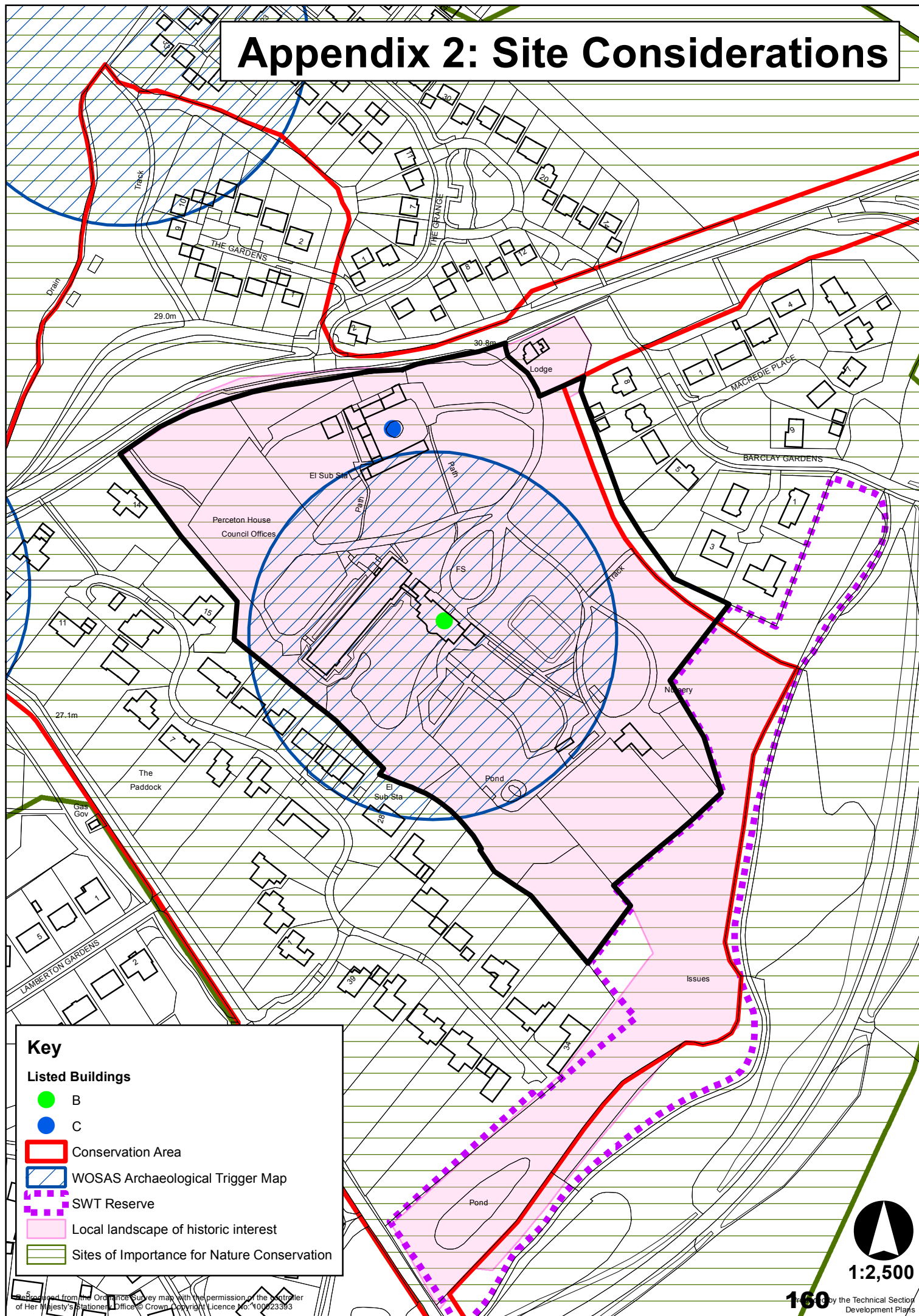
Fig. 7 Former nursery area

Fig. 8 Successful development within locale

Appendix 1: Location Plan



Appendix 2: Site Considerations



Appendix 3 - Development Zones

