



Cunninghame House,
Irvine.

7 March 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 13 MARCH 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 20 February 2013 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Ardrossan, Saltcoats and Stevenston

Submit report on the following application:-

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

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

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

Proposed redevelopment of site providing mixed use development comprising residential units, nursing home, commercial units, distributor road and coastal defence works

(copies enclosed).

4. Garnock Valley

Submit report on the following application:-

13/00053/ADC: Kilbirnie: 1 Bridgend

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

(copy enclosed).

5. Irvine/Kilwinning

Submit reports on the following applications:-

5.1 13/00048/PP: Irvine: Site to south of 4 Castle Street

Erection of Telecoms Cabinet

5.2 13/00049/LBC: Irvine: Bridgegate: Trinity Church

Installation of 2 stained glass windows, erection of a weather vane and the replacement of a concrete crown stone with a sandstone crown stone

5.3 12/00661/PPM: Irvine: Montgomerie Park: Site to West of Earlswood Wynd

Erection of 118 dwelling houses and associated works

5.4 13/00070/PP: Irvine: Bourtreehill South: 13 Lower Vennel

Sub-division of existing shop to form hot food take-away including installation of new shop front

(copies enclosed).

6. North Coast and Cumbraes

Submit report on the following application:-

6.1 13/00042/PP: Largs: The Promenade: The Bean and Leaf

Formation of new entrance canopy and terrace, alteration of existing ramp access and replacement of existing glazed screens with folding doors

6.2 12/00643/MSCM: West Kilbride: Hunterston Estate: Goldenbury Farm

Erection of a convertor station and substation

6.3 12/00708/PP: Ardrossan: Glenhead Farm Cottage

Amendment to planning permission CH/01/89/0076 to remove occupancy restriction

(copies enclosed).

7. Notice Under Section 49 Of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: 12 Crichton Street, Millport, Isle of Cumbrae, KA28 0ET

Submit report by Corporate Director (Development and Environment) on a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building (copy enclosed).

8. 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
20 February 2013

IRVINE, 20 February 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, Tom Marshall and Jim Montgomerie.

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 Robert Steel.

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 23 January 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

12/00689/PP: Stevenston: Clark Crescent: Ardeer Primary School

North Ayrshire Council, Cunninghame House, Irvine have applied for planning permission for the erection of extensions to the primary school at Ardeer Primary School, Clark Crescent, Stevenston.

The Committee agreed to grant the application.

4. Irvine/Kilwinning

4.1 13/00028/PP: Irvine: Site to west of 21 Bank Street

Openreach, 1-3 Judd Street, London have applied for planning permission for the erection of a telecoms cabinet on a site to the west of 21 Bank Street, Irvine.

The Committee agreed to grant the application.

4.2 12/00711/PP: Irvine: Site to north of Alford Place

URS City Point 2, 25 Tindrum Street, Glasgow have applied for planning permission for amendments to SUDs ponds design including the formation of access roads, erection of fencing and associated works on a site to the north of Alford Place, Irvine. One representation has been received, as detailed in the report.

The Committee, having considered the terms of the representation, agreed to grant the application.

4.3 12/00475/PPPM: Irvine: Kilwinning Road: Ayrshire Central Hospital

NHS Ayrshire and Arran, NAC Action Programme Office, University Hospital Crosshouse, 23 Lister Street, Kilmarnock have applied for planning permission for the erection of an Acute Mental Health & Community Hospital and associated works at Ayrshire Central Hospital, Kilwinning Road, Irvine. One representation has been received, as detailed in the report.

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

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

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, cycle parking and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;

- (c) detailed 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 fold issues are addressed.
- (d) the means of access to the site;
- (e) the design and location of all boundary treatments including walls and fences;
- (f) the landscaping proposals for the site, including details of existing trees 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;
- (g) the means of drainage and sewage disposal including Sustainable Urban Drainage Systems (SUDS);
- (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (i) a design and access statement: design issues addressed in the formulation of the proposals shall be set out in line with the relevant supplementary design guidance produced 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 the retention of the existing access points off Kilwinning Road to serve the development, unless it can be demonstrated that there are sound technical and operational requirements for a replacement access and that satisfactory measures can be taken to minimise the loss of trees, to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the further application(s) required under the terms of Condition 1 above shall include a detailed design of any required improvements to the local road network and design issues associated to accommodating public transportation needs, multi-user/pedestrian crossing facilities within the site and any required improvements to crossing points on the road network external to the site, 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 detailed Transport Assessment and Parking Strategy, including a detailed internal layout of the development including a swept path assessment for servicing, for the approval in writing of North Ayrshire Council as Planning Authority.

6. 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.

7. That the further application(s) required under the terms of Condition 1 above shall include a Public Transport Strategy detailing the frequency and routing of new/amended bus services for the consideration and detailed approval of the Council as Planning Authority. The strategy may include public transport infrastructure (bus stops and shelters), provision for taxi access and drop-off / pick-up, travel information to ensure users are aware of pedestrian, cycle and public transport provision which may also include for the provision of real time information unless otherwise agreed by North Ayrshire Council as Planning Authority.

8. That before the commencement of the use, hereby approved, the recommendations of the Public Transport Strategy, outlined in condition 7 above shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

9. That the further application(s) required under the terms of Condition 1 above shall include a Green Travel Plan and any measures detailed therein to reduce car trips, shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan.

10. That the further application(s) required under the terms of Condition 1 above shall include a Signage Strategy to improve directional and information provision to the satisfaction of North Ayrshire Council as Planning Authority.

11. Development shall not commence until an assessment of the potential for the proposed use to cause noise and vibration nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in the surrounding area, has been submitted to the Council as Planning Authority. Where potential noise or vibration disturbance is identified, proposals for the attenuation of that noise or vibration shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. The approved scheme shall cover both development and operational phases and be implemented prior to either commencement of development or the development being brought into use, whichever is relevant, and shall thereafter be retained in accordance with the approved scheme to the satisfaction of North Ayrshire Council as Planning Authority. Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.

12. (a) Prior to commencement of any works on site, the recommendations contained within the 2010 Geo-Environmental Assessment and Ground Investigation Report, submitted in support of the application, shall be implemented. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by North Ayrshire Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to North Ayrshire Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.

13. That before work commences on site a local air quality monitoring and modelling assessment shall be carried out and the information submitted to and approved by North Ayrshire Council as Planning Authority, unless otherwise agreed. The information shall be used to assess potential impacts of the development on existing air quality during both the construction and operational phases. The assessment shall have regard to the contributory impact on air quality that the development may pose.

14. That the further application(s) required under the terms of Condition 1 above shall include:

(a) an updated Flood Risk Assessment for the approval in writing of North Ayrshire Council as Planning and Flood Authority. Such an assessment shall include: finished floor levels against ordinance datum; protection against a 1:1000 year flood event; and that flood resilient and resistant materials are incorporated.

(b) comprehensive assessment of the wider flood and surface water drainage issues within the applicants ownership, including: the opening up of the Red Burn; and SUDs provision.

(c) a comprehensive Drainage Assessment.

15. 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. The recommendations within the submitted Tree Survey Schedule shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Demonstration of the undertaking and/or programming of the Tree Survey Schedule recommendations shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority.

16. The recommendations within the Extended Phase 1 Ecology Assessment, submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations implementation.

17. 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.

18. 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

19. Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development.

5. North Coast and Cumbraes

12/00427/PP: Largs: Brisbane Road: Barrfields Stadium

Martin Philips, 3 Acheson Gardens, Largs has applied for retrospective planning permission for alterations to the grass pitch to form synthetic turf including ground operations at Barrfields Stadium, Brisbane Road, Largs. Two letters of objection have been received, as detailed in the report.

During discussion, Members expressed the view that, in the interest of the amenity of the area, the grant of planning permission should be subject to a condition in relation to restricting the use of the sports pitch to between the hours of 8am until 9pm.

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

1. That the sports pitch hereby approved shall only be used between the hours of 8am and 9pm Mondays to Sundays inclusive unless otherwise agreed in writing with North Ayrshire Council, as Planning Authority.

6. Scottish Government Consultation on the Draft Scottish Marine Regions Order 2013

Submitted report by the Corporate Director (Development and Environment) on the consultation being undertaken by the Scottish Government to define the boundaries of future Scottish Marine Regions (SMRs) and seeking agreement to the Council's response thereon.

The current Scottish Marine Regional (SMR) Order 2013, as drafted, delivers the 11 Marine Regions identified within the report, with the added variation of an extension of the seaward limits of Scottish territorial waters to 12 nautical miles from baseline. North Ayrshire Council has been identified as part of the "Clyde" local marine region.

The Committee agreed that the information contained in the report and attached appendices form the basis of the Council's consultation response to the Scottish Government.

The meeting ended at 2.25 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

13 March 2013

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

11/00766/PPM

Application

2 December 2011

Registered

Decision Due

2 April 2012

Ward

Ardrossan and Arran

Recommendation

**Grant with Conditions contained in
Appendix 1**

Location

Ardrossan Marina
Dock Road
Ardrossan

Applicant

Irvine Bay Developments Ltd.
43 Ardrossan Road
Saltcoats

Proposal

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

1. Description

The proposed marina extension would provide an additional 500 berths, in 2 phases of 260 and 240 berths, immediately north of Montgomerie Pier from which would provide the sole means of access to the new berths. A facilities building providing showers, toilets and marina administration functions and a barrier controlled 26 space drop-off car park would be formed on Montgomerie Pier to service the new berths. The main car parking and boat storage areas would be located within an existing operational area close to the ferry terminal and a new pedestrian drawbridge would be constructed over the entrance to the existing marina basin to provide a link between the new berths and the car park/boat storage area.

The application site covers an extensive area with the new berths extending to some 12.5 hectares and a further 4.7 hectares for land based activities, in conjunction with the existing marina. The new breakwater, pontoons and berths would all be located on the landward side of the existing harbour breakwater.

To the north-west, the site is bounded by the sea and the port/ferry terminal. The closest residential properties are the recent developments at Mariners View and, slightly further away, Dawnligh Circle, both located to the east of the site. Further north of these properties lies the former Shell site which is the subject of a report to this Committee on an application (ref. 11/00685/PPPM) for a proposed mixed use development of residential, nursing home, commercial units and coastal defence works. Planning permission for a hotel and office development on the southern quayside of the existing marina basin (ref. 11/00050/PP) was recently granted. All three of these proposed developments form key components of the overall regeneration strategy by the Irvine Bay URC at Ardrossan Harbour.

The proposed development is a "major" development within the context of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and accordingly the application was accompanied by a Pre-Application Consultation (PAC) report detailing the consultation procedure with the public/community groups and other interested parties undertaken by the applicant prior to the application being submitted.

The proposal also comprises development in respect of which the Environmental Assessment (Scotland) Regulations 1999 apply and accordingly an Environmental Statement (ES) was submitted with the planning application. The ES describes the environmental effects of the proposed development, examines the nature and scale of these effects and recommends mitigation measures to manage and control adverse impacts. The environmental topics addressed included geology, hydrology, ecology, noise, landscape and visual amenity, and cumulative impacts. The ES concludes that the proposed development would not result in any significant environmental impacts and that any identified negative impacts could be mitigated by specific actions within the ES. The application was also accompanied by an Engineering Report. A Transportation Assessment and Flood Report in relation to this application, the redevelopment of the Shell site and the hotel/office development on the southern quayside of the marina were submitted.

In the Adopted Local Plan the application site lies predominately within an area subject to Policy ENV9 (Ardrossan Harbour), which states that integrated development proposals for the harbour area which comply with land uses shown in the local plan map shall accord with the plan. The proposed additional marina berths, being at sea, are excluded from any land use classification. The location of the majority of the land based operations fall within a business and industry allocation, with the area for the facilities building and drop-off car park within a residential land use allocation. Policies TRA6 (Ardrossan Harbour and Hunterston) recognises Ardrossan Harbour as a strategic port and requires that part of the harbour be protected for port related developments and operations. Policy TOU3 (Tourist Facilities within Settlements) recognises the suitability of the location for provision of tourist facilities particularly focusing on the waterfront location, and Policy ENV8 (Coastal Zone) identifies the sea at the edge of the harbour area and part of the proposed marina extension area as "developed coast" advising that development which requires a coastal location and which would enhance the developed coast would accord with the plan. Open Space Policies OS1 (Protection of Open Space) and OS1a (New and Upgraded Leisure and Recreational Facilities) are also relevant, the former protects not only land identified as protected leisure/open space in the local plan, but also other smaller areas of recreational land or amenity open space from inappropriate development. This Policy also lists a set of criteria against which to assess proposals for the development of such land. Policy OS1a encourages upgrading of existing facilities or the provision of new sports or recreational facilities in appropriate locations.

Some of the above local plan policies are site specific, to be delivered as part of a multi-agency Masterplan for the harbour area and some of the elements of this Masterplan have since been developed e.g. marina, supermarket, housing, and restaurant. In 2007 a revised master planning exercise was undertaken, which identified the need for the additional marina facilities. The following policies of the emerging Local Development Plan (LDP) address this revision to the Masterplan: TOU3 (Specific Tourism Proposals) identifies an area for the expansion of the marina at Ardrossan along with associated uses; RES9 (Large Scale Regeneration Opportunities) identifying the wider harbour area for a residential led development incorporating leisure, local retail, cafe, office, hotel, marina extension and marina related uses; and IND3 (Industrial Estate) confirming acceptance of the business, industrial and storage/distribution uses within part of the harbour area.

The proposal also requires to be assessed against the Development Control Statement of the Adopted Local Plan the relevant criteria in this case being (a) siting, design and external appearance (b) amenity (c) landscape character and (d) access, road layout, parking provision.

2. Consultations and Representations

The statutory neighbour notification procedure was undertaken and the application was also advertised in the Local Press on 21 December 2011 for neighbour notification purposes. The application was also advertised in the Local Press and the Edinburgh Gazette on the 13 and 15 December 2011 respectively in relation to the Environmental Assessment (Scotland) Regulations. Objections were received from 22 local residents and from a Residents Association. A separate Residents Association also submitted a letter of representation.

Many of the representations and objections support the principle of the harbour regeneration and extension of the marina, however, the following is a summary of the main grounds of objection to the proposal.

1. Object to the proposed siting of the drop-off car park and the use of Mariners View to access it. Mariners View is a quiet residential cul-de-sac and concerns are expressed that residents parking spaces will be utilised by marina users/visitors causing congestion and conflict with residents.

Response - This is the main ground of objection to the proposed development. Roads Services originally offered concerns about the location for the drop-off car park. However following discussion with the applicants on alternative arrangements for accessing the new berths, Roads Services have no objections to the proposals. The key change is that the main marina car park, adjacent to the ferry terminal will provide secure parking with barrier control and CCTV coverage in addition to on-site security, which would be preferable to marina customers than the alternative of parking on-street in either Mariners View or other nearby streets. The number of drop-off parking spaces has been reduced from 40 to 26 and the parking areas slightly distanced from the boundary with the closest residential properties on Mariners View. The applicant has also confirmed that the use of the drop-off facility will be strictly enforced by marina staff and through marketing and education of members of the marina, and also with the use of on site signage. They have also confirmed that a parking clause will be inserted into the terms of the business contract between the marina and clients with the ultimate enforcement being loss of berthing facilities. A condition is attached to the permission requiring the applicant to submit full details of the contractual agreement with berth holders in relation to compliance with parking arrangements for approval prior to commencement of the development.

2. The proposed car park and facilities building will obscure the open outlook from the flats at the end of Mariners View and result in a loss of public open space.

Response - While the proposals result in the loss of an area of some 1100 square metres of open space, this represents only some 20% of the open space presently available at the western end of Montgomerie Pier. The perimeter walkway and area of public artwork will still remain and it is not considered that this reduction for another recreational use would be a significant enough to conflict with the requirements of Policy OS1 (Protection of Open Space).

3. The proposed drop-off car park and access point to the new berths will result in additional vandalism, litter and disturbance which would be detrimental to the amenity of the area.

Response - Montgomerie Pier is a well used area of public open space and it is not considered that the presence of the proposed use at this location, particularly given that it will be managed by marina personnel, would result in any significant problems.

4. The residents of Mariners View already pay for the upkeep of the pedestrian walkway around Montgomerie Pier, the lighting, and for the upkeep of the quay wall, and it is considered that this burden will increase as a result of the proposed use.

Response - This is not a material land use planning consideration but rather a legal matter.

5. There is no justification for the drop-off car park and pontoon access being at this location as it is considered that alternative options exist elsewhere which could serve these purposes.

Response - The possibility of relocating the car park and drop-off to the former Shell site was raised with the applicant. The former Shell site however is now the subject of a joint venture between Clydeport and Irvine Bay URC for residential and other mixed use developments, and the joint partnership consider that to locate the facilities within that site is outwith the control of the applicant for this application. An alternative location for the drop-off car park on the western quayside of the marina basin was also discussed with the applicant. This was rejected by the applicant on the grounds that this narrower quayside would result in conflict between cars and pedestrians accessing the new footbridge and also due to the fact that the boat hoist operates at this location, thereby raising concerns for public safety.

6. There are no detailed drawings of the proposed facility building.

Response - This matter was raised with the applicant and to date no details have been submitted. The proposed single storey utility building, with a floor area of only 140 square metres would be some 30m from the closest residential property on Mariners View. In these circumstances it is considered that the full details of this building could be dealt with by a condition.

7. Concern is expressed that the area shown on the submitted plans for parking/boat storage close to the ferry terminal may not have sufficient capacity to serve both the existing and proposed marina operations.

Response - The Roads Section have confirmed that the provision is acceptable

8. Disappointed that no public slipway has been incorporated in the proposed development as this was promised at the consultation stage with local residents.

Response - The applicant confirms that while this was raised during pre-application consultations it was not promised by the applicant as it involves issues beyond their control, namely, the issue of who maintains it and other issues of marine safety. The URC have however confirmed that they are currently considering potential options for a slipway in an alternative location within the town.

9. Concern that the proposed new breakwater may hamper the ability of ferries to berth at one of the existing roll on-roll off (Ro-Ro) berths at the harbour.

Response - This issue was raised at the pre-application consultation the location of the proposed breakwater was amended to reposition it some 30m east of the end of Montgomerie Pier. Following submission of the application, and further comments being expressed regarding the potential restriction on shipping activities at this inner berth, the applicants have confirmed that Caledonian MacBrayne was involved with them in "simulation exercises" to confirm that there was adequate clearance for all of the vessels which Cal-Mac operate in Ardrrossan Harbour, the longest vessel being 99m in length and they also confirm that vessels up to 120m in length may also be able to use this berth if they are able to berth stern first.

10. Adverse impact on wildlife/sea life.

Response - Both SNH and RSPB were consulted on the proposed development and offered no objections. Both agencies have however requested either additional mitigation measures or conditions to be attached to the planning permission to ensure minimal environmental impact.

11. Concern regarding excessive noise from the use of the drop-off car park and the access barrier to the car park.

Response - the existing marina is not constrained by any operating hours conditions of the original planning permission nor is it considered reasonable to attach such a condition to the proposed extension, particularly given that the use will be predominantly operational during daylight hours. In relation to noise complaints from activities, this would be a matter for enforcement by Environmental Health.

In addition to the above objection the following representations were submitted:

1. The sole point of entry to the site should be from Mariner's View.

Response - The submitted plans indicate that this will be the case.

2. Concern that land adjacent to Dawnlight Circle will be developed as part of the Marina extension.

Response - The original plan indicated part of this ground as being within the application site. This was an error and the plans have now been amended.

3. Concern regarding possible disruption to sewers and other services during the course of the development.

Response - This is not a land use planning matter and there may well be some disruption to services, however it is the practice of service authorities to give prior notice to affected properties.

4. Concern regarding construction operations resulting in excessive noise or dust.

Response - These issues have been addressed in the Environmental Statement and mitigation measures to control potential nuisance from these sources identified. Environmental Health have powers to deal with any public nuisance arising from excessive noise or dust pollution.

Consultations

Roads Services - Originally raised concerns about the proposed drop-off car park location and its means of access on the grounds that the character of Mariners View was considered to be inappropriate to accommodate the drop off facilities for a Marina. The applicant subsequently demonstrated that the road capacity is capable of accommodating the increase in volume of vehicles associated with the proposed drop-off facility. Furthermore the type of vehicle associated with the marina extension would predominantly be cars or light goods vehicles which are not considered would impact on the operation of the public road.

A further concern was the potential for marina users to ignore the requirement to exit the drop-off car park and then park in the main car park close to the existing marina, but instead park in Mariners View and other closer residential streets. However, while this still remains a possibility, given the time and distance taken to relocate vehicles from the drop-off car park to the main car park and then proceed back to the berth, the applicant has now given an assurance that they will manage the berth holders through a strict management plan.

A condition should be attached to the permission to require a customer and staff parking management plan to be agreed with North Ayrshire Council prior to the commencement of the development. It should include details of enforcement, which prevents the use of the adjacent and nearby public roads, and parking bays within Mariners View.

Response - An appropriate condition is attached as requested.

Flooding Officer - No objections subject to a condition being attached to ensure that the floor level of the proposed facilities building is above the identified 1 in 200 year flood event.

Response - An appropriate condition is attached in this regard.

SEPA - No objection subject to a condition to the permission in relation to ensuring that the floor level of the proposed facilities buildings is either elevated out of the coastal flood plain or protected by flood defences to a 1 in 200 year flood event. SEPA also advise that the applicant contacts them with regard to surface water drainage, pollution prevention and chemical/oil storage.

Response - An appropriate condition is attached regarding further information to be submitted by the applicant in order to establish a suitable floor level for the proposed facilities building. In relation to the other matters raised an informative is attached to the permission to advise the applicant to contact SEPA for further information in this regard.

RSPB - No objections - it is not considered that the development would result in a significant loss of bird populations or habitats of high conservation value. Some concerns were raised regarding the impacts of the proposed development and suggested conditions to minimise these impacts.

Response - Following the RSPB response, the applicant's environmental consultant provided further clarification on the matters raised and confirmed acceptance of suggested conditions to be attached to the permission.

SNH - No objections, however raised some issues on potential impacts on local wildlife sites, habitats etc.

Response - The applicant's environmental consultant provided an explanatory response to the matters raised by SNH and additional mitigation measures have been identified to deal with any adverse impacts which may arise.

Environmental Health - No objections subject to a condition being attached to the permission to require any significant unsuspected contamination discovered in the course of development to be brought to the attention of Environmental Health. They also identified an omission in the Environmental Statement in relation to air quality however further information has been gathered by Environmental Health on this matter confirming that the projected increase in traffic volume in the town centre as a result of the proposed development, while increasing pollution levels, would still result in the levels being significantly within the acceptable limits.

Response - An appropriate condition is attached in relation to contamination.

Scottish Government Rural and Environment Directorate (including Transport Scotland and Historic Scotland) - No objections.

West of Scotland Archeological Service - no comments.

Ardrossan Community Council - no comments.

3. Analysis

The proposed development is one of several URC projects being promoted as part of a programme for the regeneration of Ardrossan.

The Adopted Local Plan of 2005 identified the wider harbour area as an area which represents an opportunity for major regeneration, aimed at introducing tourist facilities and residential and retail developments, while also retaining part of the area for port operations.

Some of these uses have now been developed but much of the area remains undeveloped and the more recent involvement by the URC has resulted in a review/update of the master planning of the area.

The emerging Local Development Plan (LDP) supports the principle of the large scale regeneration of the harbour area (RES9) as a destination incorporating residential, leisure, local retail, cafe, office and hotel uses. It also states that a marina extension and other marina related uses within a comprehensive Masterplan for the area. Policy TOU3 of the LDP specifically establishes the principle for the expansion of the marina while IND3 protects other land at the harbour for port/industrial use.

In respect of the proposed formation of a new breakwater, pontoons and additional berths, there are no site specific policies covering their location given that they would be off-shore. The principle of this part of the proposal however is acceptable in terms of (i) ENV9, supplemented by RES9 and TOU3 of the emerging LDP, as part of an integrated plan for the harbour area; (ii) ENV8, allowing development proposals which require a coastal location within the area identified as "developed coast"; and (iii) TOU3 and OS1(a) which encourage the provision of new, or upgrading of existing, tourist and recreational facilities.

In terms of Policy TRA6 of the Adopted Local Plan, which requires the protection of port facilities, the proposed breakwater would be located such that it does not adversely impact on the use of the inner Ro-Ro berth at the harbour.

In respect of the land based components of the proposed development, these are also considered to be acceptable in terms of local plan policies ENV9, TOU3 and OS1(a) as discussed above. With regard to policy TRA6, which seeks to ensure adequate protection of and provision for, port related activities, a significant amount of land will still remain allocated for industrial/port use within the harbour area. Additionally, the use of the inner Ro-Ro berth and a vehicular route to the berth from the main harbour spine road, will be maintained through a condition of the permission.

Policy OS1 recognises the need to protect open space from other forms of development stating that such developments will not conform to the plan unless satisfying various criteria, the relevant ones in this case being (1) the proposed development will not have a detrimental impact on the amenity, character and appearance of the area; and (2) where the proposal is for an outdoor recreational or leisure use it will (a) improve the quality and range of supports of leisure facilities within the local plan area, and (b) not result in a net loss of open space or playing fields; or (3) where the proposal is for use other than outdoor recreational or leisure proposals, it will (a) not adversely affect the recreational value of any area of active or passive open space considered in relation to the overall level of the provision in the local area and (b) not set an undesirable precedent for further incremental loss of open space.

The only part of the proposed development which would result in the loss of amenity open space is the formation of the proposed drop-off car park and facilities building on Montgomerie Pier, immediately west of the flatted properties in Mariner's View, and which is currently an area of maintained open space (grass) and extends between Mariner's View and the end of Montgomerie Pier.

While the proposed development on this part of the site does not itself constitute a leisure use, it would form part of a much larger development of this nature. Even as a non-leisure use it is considered that as only some 20% of the overall open space area at this location would be affected, the public access to the remainder would remain unaltered and would allow the proposal to comply with criterion 3 of Policy OS1.

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the Local Plan. In relation to criterion (a), siting design and external appearance, the proposed breakwater, pontoons and additional berths are located close to the existing marina berths and designed such that they will not impinge in the operation of the commercial port. The proposed main car park and boat storage area adjacent to the ferry terminal has been in use for some time now for such purposes by the existing marina business without the benefit of planning permission, due mainly to their original locations being redeveloped and the availability of this site. Roads Services consider that there is appropriate provision within this area to serve both the existing marina and the proposed extension.

The siting of the proposed drop-off car park is considered to be acceptable, as it supports the overall proposal, has been reduced in scale and management practices to control the use of the facility in order to minimise any adverse impact and amenity, have now been proposed.

The proposed facilities building is also considered to be justified at this location, being of modest size and required to provide basic services for users of the new berths e.g. shower, toilets etc and an office for the marina operator. A condition is required to secure further details of the proposed design of the building. The proposed new footbridge to link Montgomerie Pier with the western quayside of the existing marina basin is in the form of a drawbridge and a condition is attached to secure full design details to be submitted for approval.

In relation to criterion (b) amenity, the main amenity issue raised by the objectors was to the adverse impact likely to be generated by additional traffic using Mariner's View to access the drop-off car park and the potential use of residents parking spaces by marina berth holders or their guests. This matter has been considered above. Other issues e.g. air quality, noise etc have been assessed in the ES and appropriate mitigation measures identified to deal with any arising issues.

Criterion (c) requires any proposed development to have regard to landscape features and the landscape character of the area. While the proposed development is of considerable scale, it is located adjacent to the working harbour and existing marina and it is not considered that it would result in any significant adverse landscape impact.

Criterion d) relates to the issues of access, road layout and parking provision. These matters have been considered above.

In view of the foregoing it is considered that the proposed development would accord with the relevant provisions of the Adopted Local Plan and the relevant criteria of the development control statement and would result in the delivery of a further component of the ongoing major regeneration at Ardrossan Harbour.

4. Full Recommendation

See Appendix 1.

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

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
21 February 2013

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

GC/JW/FG

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 11/00766/PPM

Grant 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 an 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.

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

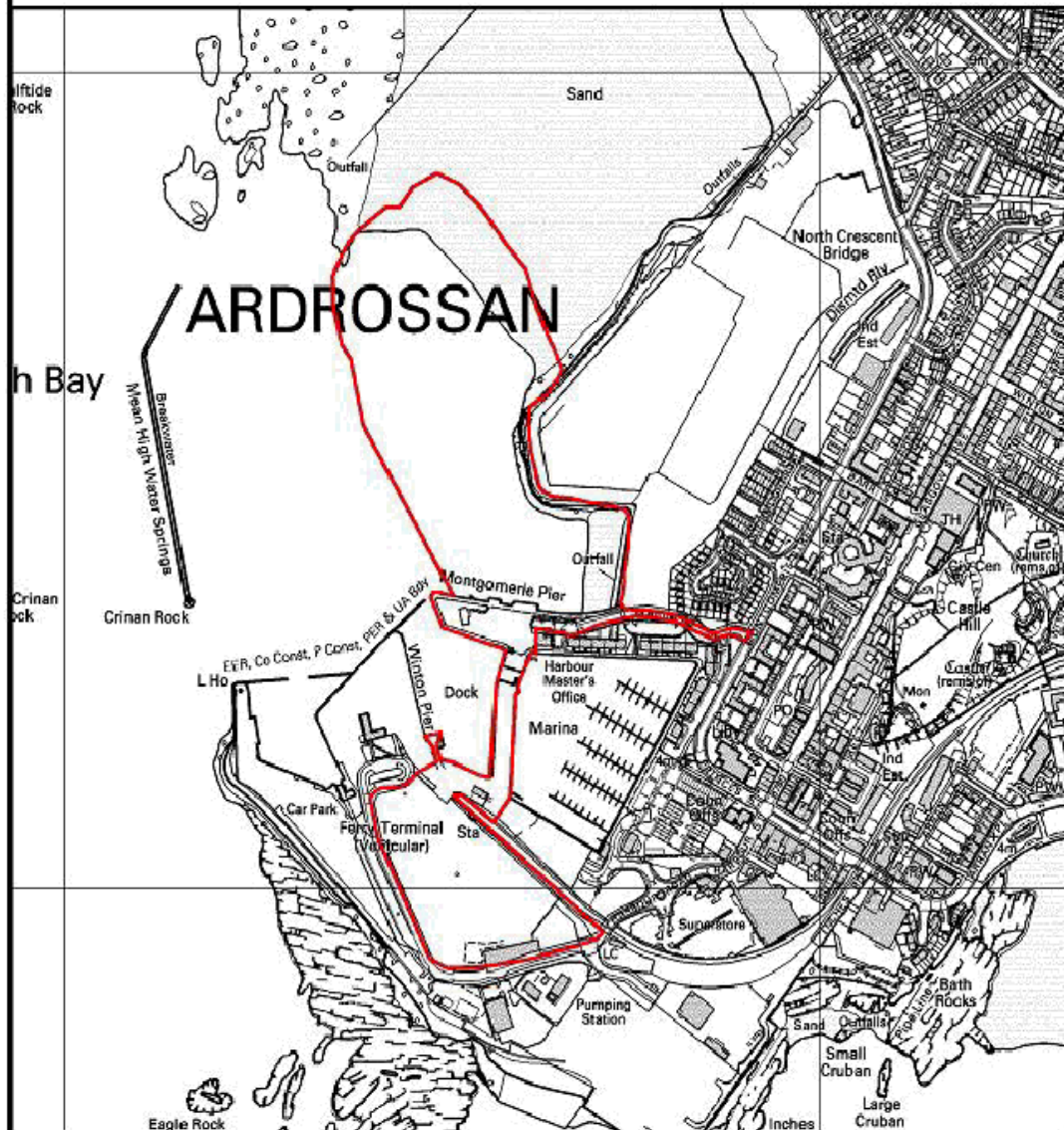
1. To secure the proper completion of the development in the interest of amenity.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. In the interest of the amenity of the area.
4. To ensure adequate flood protection for the building.
5. To meet the requirements of RSPB.
6. To meet the requirements of RSPB.
7. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
8. To meet the requirements of Environmental Health.
9. In order to protect the integrity of existing port activities.

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

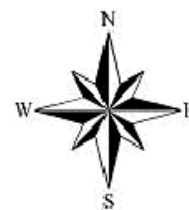
11/00766/PPM



NORTH AYRSHIRE
COUNCIL

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NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

13 March 2013

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

11/00685/PPPM

Application

7 October 2011

Registered

Decision Due

7 February 2012

Ward

Ardrossan & Arran

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

LocationArdrossan Harbour
Montgomerie Street
Ardrossan**Applicant**Ardrossan North Shore LLP
43 Ardrossan Road
Saltcoats**Proposal**Proposed redevelopment of site providing mixed
use development comprising residential units,
nursing home, commercial units, distributor road
and coastal defence works

1. Description

This application relates to the large area of ground at Ardrossan Harbour formerly occupied by Shell as an oil refinery/storage depot and an area of grass foreshore.

The site extends to some 21 hectares in size, is bounded to the north east by North Crescent Road; to the south east by Montgomerie Street, the recently built residential properties of Moonlight Place, Raylight Place and Dawnlight circle; to the south by the flatted properties of Mariner's view constructed on Montgomerie Pier; and to the west by the foreshore.

The application seeks planning permission in principle for a development comprising residential units, a nursing home, commercial units, distributor road and coastal defence works and has been submitted by a joint venture company comprising Irvine Bay Regeneration Company (URC) and Clydeport, established with the aim of promoting and accelerating the redevelopment of this part of the harbour area.

The proposed development is based on a previously approved outline planning permission (OPP) granted in December 2004 (01/00753/PP) which relates to the wider harbour area and which granted a residential use for the current application site, with the exception of the area of open space at North Crescent Road which was proposed to remain in that use, and the retention and expansion of a small industrial estate on Montgomerie Street.

The previous OPP was effectively a Masterplan for the wider harbour area and while many of the approved developments have been constructed, some of which deviated from the original Masterplan, the expectation at that time that the majority of the development would have been undertaken by private sector investment has proved not to be the case, more so now in the current economic climate.

The completed developments to date include the erection of some 240 houses and flats on two sides of the marina basin and on Montgomerie Street; the erection of the Asda supermarket; the erection of industrial units at Harbour Road; the establishment of Cecchini's restaurant within a derelict port building; and environmental improvement works around the marina quayside. A new hotel and office development on the southern side of the Marina basin had also recently received planning permission (11/00050/PP) and is intended to be commenced soon.

The current application is now based on a revised Masterplan document "Ardrossan Masterplan Strategy and Context Report" of 2011 prepared by the applicant in response to the changing needs and demands of the area and to present realistic proposals given the current challenging economic climate.

While the current application still proposes that the vast majority of the site be developed for residential use, including a nursing home, it also proposes to develop the former industrial estate on Montgomerie Street (now a vacant site) for social housing, and also proposes the provision of some 4000 sq metres of commercial space at the southern end of the site close to the site of a proposed marina extension which is the subject of a current planning application (11/00766/PPM) and which is also being reported to this Committee for approval. It is considered that the commercial uses would include offices, retail, cafe, restaurants etc.

The application also includes the proposed construction of a distributor road from North Crescent Road, generally following the seaward edge of the site, and connecting to the existing roundabout on Montgomerie Street as per the previous OPP and which would be the sole means of vehicular access to the site.

In recognition that the site is exposed to coastal flooding, it is also proposed to construct new coastal defences in the form of a new revetment designed to achieve protection based on current methodologies.

In the Adopted Local Plan the majority of the application site is allocated for residential purposes where Policy ENV9 (Ardrossan Harbour) applies. This policy covers the entire harbour area and confirms that integrated development proposals consistent with the land uses shown on the local plan map will accord with the plan. The site of the former industrial estate in Montgomerie Street is allocated for business and industry use where policies IND6 and IND7 apply and within which industrial, business or small workshop developments will accord with the plan. The remainder of the site, the open space fronting North Crescent Road, is allocated for leisure and open space uses with Policy OS1 indicating a presumption against the development of open space areas for other development.

In addition to the above site specific policies, the following general policies are also relevant in the determination of the application.

- SOC4 (Residential and Nursing Homes), confirming acceptance of such uses within residentially allocated areas subject to satisfying stated criteria;
- INF6 (Flooding), requiring a flood risk assessment to be submitted together with any required mitigation measures;
- TRA2 (Walking and cycling), requiring all significant developments to take account of the needs of walkers and cyclists and to provide direct links to transport hubs and local facilities etc;
- OS2 (Open Space and Play Provision), requiring new housing developments to make provision in accordance with the current NAC standards; and

-TC6 (Local shops), requiring proposals for shops outwith town centres to be justified in terms of need, convenient access etc.

The proposed development also requires to be assessed against the Development Control Statement of the Local Plan, the relevant criteria in this case being (a) siting, design and external appearance; (b) amenity; and (d) access, road layout and parking provision.

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

The former Shell site has been the subject of two previous planning permissions in relation to addressing the problem of contamination from previous uses on the site. In 2005 planning permission (05/00670/PP) was granted at the southern end of the site for the deposit, storage and bio-remediation of contaminated soils to allow trials to be undertaken to establish a suitable means of decontaminating the site. In October 2010 planning permission (10/00483/PP) was granted for engineering operations to secure the remediation of contaminated land. To date remediation works have only taken place on a small part of the site.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on 19th October 2011 for neighbour notification purposes.

Arising from the above publicity exercise, objections were received from four individuals and one from a resident/owners association with a further six representations also being received from individuals all of which are summarised below.

Grounds of objection/representation

1. Object to Mariners View access road being used as an access to the application site.

Response - This application is for planning permission in principle only and while one of the supporting indicative layouts of the overall development of the site does indicate a road connection to Mariners View, the applicants have been advised that this will not be permitted and that all access to the individual phases of development must be taken from the new distributor road connecting North Crescent Road to the existing roundabout on Montgomerie Street and a condition is attached to the permission to prevent such an access being formed.

2. Concern for the safety of children using the existing play area in Dawnlight circle as it would be adjacent to the proposed distributor road.

Response - Again, as the application is for permission in principle only, the proposed route of the distributor road is indicative and will require to be the subject of further detailed design submissions for approval. The play area is bounded by a safety fence and the Roads Section have not expressed any concern regarding this matter in their consultation response.

3. Concern regarding increased traffic volumes and impact on road junctions in the vicinity of the application site.

Response - The Roads Section have confirmed that they have no objection to the proposed development which was supported by a Transport Assessment (TA) covering the wider Ardrossan Harbour area.

4. Little information has been shown on the type of buildings proposed or any traffic control measures to be installed on the distributor road.

Response - The supporting information with the application indicates that there would be the mix of residential units, including terraced and townhouses, semi-detached and detached houses and flats to create a varied mix and an interesting and diverse built environment. As regards the matter of traffic calming, such details would only be submitted for consideration at the time of subsequent detailed applications for the road.

5. The cycle route should be off-road at North Crescent Road and should be expanded throughout the Harbour area.

Response - The informal route around the seaward edge of the former Shell site and continuing north west along North Crescent Road and the grassy foreshore forms part of the Ayrshire Coastal Path and the adopted core paths network. The National Cycle Route presently passes along Montgomerie Street and North Crescent Road just outside the application site boundary. It is the intention of the applicant that these routes will be incorporated into the development mainly utilising the new distributor road or adjacent promenade and which will also allow links to other off-road sections of the harbour area. A condition is attached for permission to require further details to be submitted in this regard.

6. Concern that the decontamination works which were being carried out within the former Shell site have now been abandoned and also questions the quality of the work undertaken so far.

Response - Only a small section of the former Shell site, closest to North Crescent Road has been decontaminated to date and the decontamination works have now ceased. The decontamination works were being carried out in accordance with a scheme of work agreed with SEPA and the Council's Environmental Health Section and under the terms of a planning permission (10/00483/PP) granted in October 2010. It is the applicant's intention to continue with the investigation and decontamination of additional phases of the site as each development of the adjacent residential phase is being constructed. Environmental Health have requested a condition be attached to the permission to require further information to be provided regarding the investigation and remediation of contaminated material on the site for their approval.

7. Critical of the methods used to collate information contained in the traffic assessment submitted with the application.

Response - The Road Section have confirmed acceptance of the methodology used in the TA and that they have no objection to the proposed development.

8. Request that no buildings exceed 3 storeys in height.

Response - The existing flats on Mariners View and Dockers Gardens adjacent to the existing Marina comprise a mix of three and four storeys in height and it is considered appropriate that a condition be attached to ensure that any new buildings within the application site do not exceed this height.

9. Request that the proposed open space area fronting North Crescent Road remains informal in nature rather than been developed as a formal park.

Response - A condition is attached to the application to require the submission of an open space strategy which will cover the proposed use of all areas of open space together with details for their future maintenance.

10. Concern regarding the impact of the proposed development on wildlife.

Response - The vast majority of the application site has been greatly disturbed over recent years as a result of the decontamination of part of the site and the storage of contaminated material on other parts. The site is also a Brownfield site with a previous permission for residential development. SNH have confirmed that they have no objection to the proposed development.

11. Request that good quality, well designed, high value homes are built within the site unlike recent modern residential development at the Harbour.

Response - The detailed layout and design of the proposed development will be required to comply with the Council's Neighbourhood and Coastal Design Guidance as well as national level policy Designing Streets and Designing Places.

12. Question the demand for housing in Ardrossan and considers that the site would have been better developed as parkland or a sports area allowing the sea front location to be enjoyed by many rather than just a few.

Response - This site has been identified as a site for major redevelopment since at least as far back as the 1995 Ardrossan Saltcoats Stevenston Local Plan and has been included as part of the housing land supply since then.

Consultations

SEPA - Originally objected on flood risk grounds due to the methodology used to determine the level of protection required. Following supplementary information from the applicant, SEPA now have no objections, subject to conditions being attached to the planning permission to secure protection of the proposed nursing home to a 1:1000 year flood event and the remainder of the site to a 1:200 year flood event in conjunction with the Council as Flood Prevention Authority.

Response - Appropriate conditions as agreed with the Flooding Officer are attached as requested.

Flooding Officer - No objections. The proposed supplementary flooding report is considered to have satisfactorily addressed earlier concerns on an appropriate level of flood protection for the site. The flood report indicates that a new revetment will be formed along the majority of the coastal edge with other areas of existing revetments repaired, and the applicant's intention is to construct the flood defences concurrently with each phase of the development. While it would be desirable to have the new flood defences formed as a single entity, the applicants consider that due to cost constraints, such an approach would not be feasible. It is accepted that it would be technically possible to construct new defences in phases, so long as each phase of development is supported by additional flood risk assessments on the potential for flooding of other parts of the site and adjacent land outwith the application site.

Response - A condition is attached in order to achieve this.

SNH - No objections as the proposals will not result in any significant impacts on specially protected natural heritage sites.

Response - Noted.

Roads Services - No objection subject to conditions to ensure that (i) Transportation Assessments are submitted in relation to each subsequent phase, (ii) the development incorporates the principles of the Scottish Government's Designing Streets policy document and (iii) no vehicular access from Mariners View is provided to the application site.

Response - Appropriate conditions are attached as requested.

Environmental Health - No objections subject to a condition requiring the applicants to 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 appropriate remediation proposals. The above information must be submitted for approval prior to the commencement of any part of the development, and on completion of any approved remediation works written verification of the works undertaken will also require to be submitted. Furthermore, EH request further information to demonstrate compliance with standards on the impact on air quality from the additional traffic generated by the proposed development. The applicant has been informed directly of environmental protection matters eg operating hours for construction works.

Response - An appropriate condition is applied in relation to contaminated land. With regard to air quality, Environmental Health is now satisfied that the anticipated increase in traffic volumes in the town centre, while increasing pollution levels, would still be significantly within the acceptable limits.

NAC Access Officer - No objections. Passage over the Coastal Path and Core Path which run through the site would require to be maintained at all times during the development in order to provide linkage between the existing sections of the routes. Proposals for the ultimate maintenance of these routes will have to be provided prior to implementation. Policy TRA2 (Walking and Cycling) of the emerging Local Plan requires all significant development proposals to demonstrate that account has been taken of the needs of walkers and cyclists. Clarification is also required regarding the applicant's intention to divert or supplement the part of the National Cycle Route passing along Montgomerie Street by providing a dedicated off-road route through the application site.

Response - A condition would require full details of proposals for the protection, improvement and future maintenance of the Core Path/Coastal Path within the site. A further condition is attached requiring the National Cycle Route to be diverted through the site and for full details of the proposed route, design and future maintenance to be submitted for approval.

NAC Streetscene - No objections, however further work is required to determine open space provision, management and maintenance. The open space requirement for 440 houses would be 1.98ha and it may be possible to locate some play areas within the site with possible further commuted sum contributions to off-site facilities nearby. The maintenance of the play facility, equipped or otherwise, would be the responsibility of the developer and/or their successor body.

Response - A condition is attached to require the submission of an Open Space Strategy to address the above issues.

Scottish Water - No objections.

3. Analysis

The proposed development is one of several projects currently being promoted as part of a programme of regeneration for Ardrossan. The outline planning permission in 2004 for residential development of the former Shell site has now lapsed, without detailed proposals being submitted for any part of the current application site. The adopted Local Plan identifies the wider Harbour area as an opportunity for major regeneration, aimed at introducing tourist, residential and retail developments to the area while also retaining part of the area for port and industrial use.

There are three main land use components of the proposal, (i) residential, including a nursing home, occupying the majority of the former Shell site and including the former industrial estate in Montgomerie Street, (ii) commercial uses comprising of offices, retail, cafe and restaurants, which would be located at the southern end of the site adjacent to Mariners View and Dawnlight Circle, and (iii) the retention and upgrading of open space along the foreshore of North Crescent Road.

The other two physical components of the proposal are the proposed coastal defence works and a distributor road passing through the site and which with the exception of a vehicle access at the north end of Montgomerie Street, would provide the only means of vehicular access to the phases of development within the site.

The principle of residential development on the proposed areas accords with the adopted local plan policy ENV9, and the underlying Residential allocation, with the exception of the former industrial estate in Montgomerie Street, which is allocated for business and industry. This area was however promoted through the Main Issues Report of the emerging LDP as surplus to requirements for business and industry purposes and was subsequently allocated for Residential. The policies of the emerging Local Plan are a material consideration. The supporting information states that 440 dwellinghouses would be provided on the site, however the capacity would be determined through the design and detail of future planning applications.

Given the coastal and edge of town centre location, it is considered that a context driven response to layout and design is necessary and accordingly each phase of housing development would require to comply with the Council's Neighbourhood and Coastal Design Guidance in addition to national policy 'Designing Streets and Designing Places'. The aim of these policy documents is to change from the standard 'anywhere' layouts and promote better place creation through ensuring the correct design approaches for each site. The need to capitalise on the unique water front location of the site is also acknowledged in the applicant's supporting information and the intention is to create a promenade type layout along the seaward edge of the site, similar to South Beach. The applicant has submitted an indicative plan showing the proposed residential area developed in six phases, however in order to ensure proper integration and connectivity between these phases it is essential that the principles of Designing Places/Designing Streets are incorporated in each phase of development and a condition is attached relative to this matter.

The supporting information also indicates that flatted residential properties with ground floor commercial uses located in the south west corner of the site, which in principle would be generally acceptable, subject to detailed design, due to the location close to the proposed new marina basin adjacent to the flatted development around the existing marina. The proposed nursing home while a quasi residential use, requires to be assessed against Policy SOC4 of the Local Plan which states that such proposals will accord where (a) the scale, character and amenity of the development is compatible with neighbouring uses; (b) there is easy and reasonably level access to roads, public transport and shops; (c) the property offers an interesting aspect with adequate private garden ground; and (d) the character of the area will not be seriously altered as a result of a concentration of such uses. The proposal is acceptable in principle and would satisfy criteria (b) and (d) with the other criteria to be determined in any subsequent planning application.

The proposed inclusion of commercial uses, including offices, retail, cafes, restaurants and possible accommodation for a Sea Scouts group, at the southern end of the site does not accord to the land use allocation of either the adopted local plan or the emerging LDP. Although some mix of uses would be supported within a development of this scale, it is considered that given both the scale (some 4,000 sq metres) and the proposed location, close to the town centre, there would be conflict with the town centre, competing with established uses on appropriately allocated land.

These concerns would be most significant with the proposed offices, which the applicant states will be the main component of the commercial area. Class 2 offices are generally directed to town centre locations with Class 4 offices to either town centre locations or business/industry allocated land. Substantial new office floorspace has approved on the southern quayside of the existing marina basin and also on the site of the former customs house at Dock Road. This issue has been discussed with the applicant and, given that the proposed commercial area would be within the final phase of the development, the applicant has submitted that the commercial uses could be restricted to marina or marine related uses, which would be acceptable, and could be controlled by condition. Any other proposals for retail provision within this area would require to serve a local area and could be assessed against the relevant Local Plan or LDP policy at the time of any subsequent planning application.

In relation to the open space area at North Crescent Road, no change to the existing land use is proposed. Any significant physical changes to its land form, or proposals to form paths etc within it, would require to be the subject of a further application. A condition requires the submission of an Open Space Strategy.

The proposed new distributor road generally follows the route indicated within the outline permission in 2004. Roads Services accept the general principle of the route along the coastal edge of the site, but have advised that the current government guidance in 'Designing Streets' must be incorporated in the detailed road design. This matter can be addressed by a condition.

The proposed coastal defence works are necessary to provide adequate protection to the site from coastal flooding. A Flood Risk Assessment (FRA) established both the required height of the defences and type. The proposal accords with Policy INF6 of the adopted Local Plan. The Council's Flood Officer has confirmed that while not ideal, the proposed phased construction of the defences is technically feasible, but will require subsequent FRA's with each subsequent phase of development.

In relation to the Development Control Statement of the Local Plan, the relevant criteria of (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision have been considered above and found to be acceptable.

In view of the foregoing the proposed development is considered to accord with the aims of Policy ENV9 of the Adopted Local Plan and the relevant site specific provisions of the emerging Local Development Plan subject to the above noted conditions. It is recommended that the application be approved subject to the conditions in Appendix 1.

4. Full Recommendation

See Appendix 1.

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

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
26 February 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 11/00685/PPPM

Grant subject to the following conditions:-

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

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

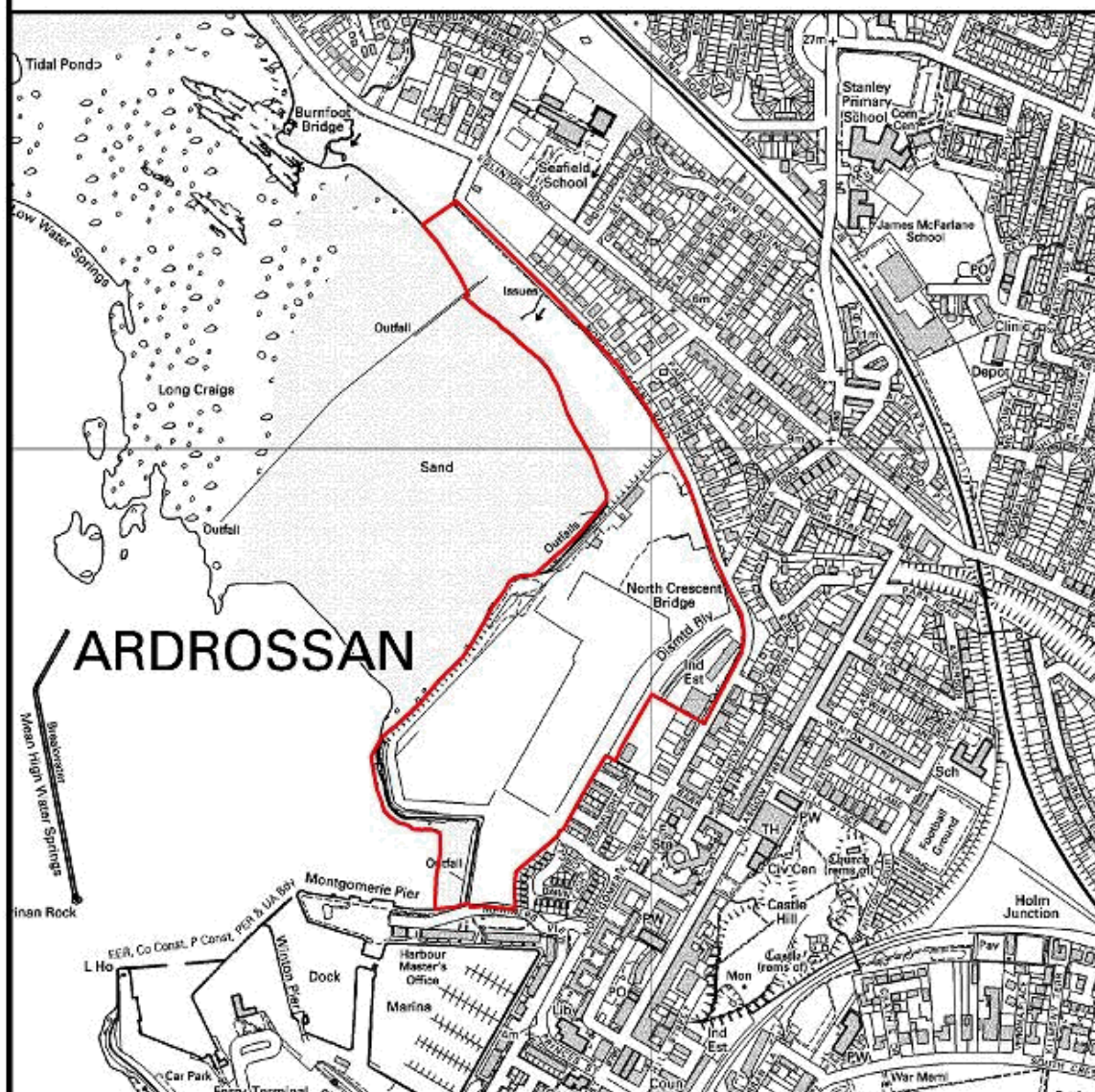
1. In order that these matters can be considered in detail.
2. To meet the requirements of Environmental Health.
3. To ensure compliance with North Ayrshire Council policy and in the interests of public access.
4. To maintain control over the development in the interest of amenity.
5. To maintain control over the development in the interest of amenity.
6. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
7. To meet the requirements of North Ayrshire Council as Roads Authority.
8. To meet the requirements of the Scottish Environment Protection Agency.
9. In order to ensure compliance with current design guidance.
10. To maintain control over the development.
11. To meet the requirements of the Scottish Environment Protection Agency.
12. In the interest of the amenity of the area.
13. To meet the requirements of North Ayrshire Council as Roads Authority.

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

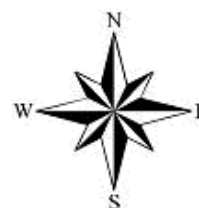
11/00685/PPPM



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NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

13 March 2013

Planning Area

Garnock Valley

Reference

13/00053/ADC

Application

4 February 2013

Registered

Decision Due

4 April 2013

Ward

Kilbirnie And Beith

Recommendation	Refuse for the reasons contained within Appendix 2, and Agree to pursue enforcement action to effect the removal of the unauthorised signs
-----------------------	---

Location	1 Bridgend Kilbirnie KA25 7DJ
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Applicant	Kilbirnie Dental Surgery c/o Allied Surveyors Scotland Plc Herbert House 30 Herbert Street Glasgow G20 6NB
------------------	---

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

1. Description

This is a retrospective application for advertising consent for various signs to the front (south elevation) and the side (east and west) elevations of No. 1 Bridgend, Kilbirnie. The property is a two storey building in use as a dentist surgery. The property is located on the northern side of Bridgend close to its junction with Muirend Street, within Kilbirnie town centre.

The fascia signs have been erected on the front elevation of the building approximately 3.5metres above ground level at their highest points. The fascia signs measure some 2.5m in width by 500mm in height. The westernmost fascia sign reads Kilbirnie Dental Surgery and the easternmost fascia sign displays the business telephone number. Both fascia signs are externally illuminated from above by separately installed trough lights. A halo lit sign has been installed on each side elevation of the property. These signs are in similar locations, sited approximately 5.8m above ground level at their highest points, and measure some 3m in width by 1.3m in height. The signs are halo illuminated from within, so that the lettering of the sign is illuminated. Both signs state the name of the business and its telephone number. Other signs on the premises which do not form part of this application are a small board adjacent to the entrance on the front elevation, giving opening hours, and sign writing in the property's windows at both ground and first floor level.

Following a complaint to the Council about the erection of unauthorised signage, the applicant was advised by letter that the signs required advertising consent but that any application was unlikely to be supported and that the signs should be removed. A retrospective application was subsequently submitted and registered as valid on the 4 February 2013.

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

2. Consultations and Representations

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

3. Analysis

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

Business premises can display illuminated adverts under Class 6 of the Advert Regulations without consent from the Council. None of these signs are found to be exempt from advertisement control. As consent is required from the Council they must be considered on the grounds of amenity and public safety. In this instance it is considered that whilst there is no public safety risk arising from the signs, the display is harmful to local amenity.

The Council's Control of Advertisements Policy states that illuminated fascia signs in town centres are acceptable subject to the fascia sign being related to the design of the shop front. Where premises have no recognisable fascia, particular care should be taken to ensure the design is compatible with the character and size of the building. The signage is of folded aluminium, which is out of character with this traditional stone building, which is exacerbated by the external trough lighting, which is not physically connected to the sign but sits above and protrudes further from the front elevation. A well designed and discreetly illuminated fascia sign which respects the character of the building would be required.

The signs on the eastern and western elevation are also of folded aluminium and have been displayed at the first floor level. The signs are visible in long views from the Kilbirnie Conservation Area to the west and on approach on the A760 from the east. Due to their significant scale and position on the building, these signs also detract from the appearance of the building and the amenity of the area. In addition, they add to the visual clutter on the building, which has a cumulative detrimental impact on the visual amenity of the area. There are other signs being displayed on the property which benefit from deemed consent. These are the signs in each of the six windows on the front elevation and the board sign adjacent to the front entrance.

Accordingly it is considered that the signs do not accord with the Council's Control of Advertisements Policy and it is therefore recommended that the application should be refused on these grounds. It is further recommended as this application has been made in retrospect, that the necessary enforcement action, to effect the removal of the unauthorised signs, be progressed.

4. Full Recommendation

See Appendix 2.

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CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
26 February 2013

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

APPENDIX 2

RECOMMENDATION FOR ADVERTISEMENT CONSENT APPLICATION REF NO 13/00053/ADC

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

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

Committee Plans

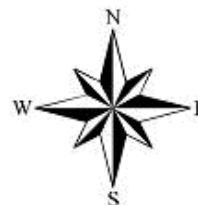
13/00053/ADC



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NORTH AYRSHIRE COUNCIL

Agenda Item 5.1

Planning Committee

Planning Area

**13 March 2013
Irvine/Kilwinning**

Reference

Application

Registered

Decision Due

Ward

**13/00048/PP
12 February 2013****12 April 2013
Irvine West**

Recommendation	Grant as per Appendix 1
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Location	Site to the south of 4 Castle Street Irvine
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Applicant	Open Reach Rutland House 5 Allan Road Livingstone
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Proposal	Erection of Telecoms Cabinet
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1. Description

This is an application for the erection of a telecoms cabinet on the footpath, against the stone boundary wall of No.s 5-10 Castle Street, Irvine. The green cabinet would be approximately 1.4m high x 0.75m wide and would have a depth of 0.4m. There would be a separation of approximately 1.57m from the front (north) elevation of the cabinet to the road edge.

The cabinet would be erected adjacent the stone boundary wall of 5-10 Academy Court Irvine, approx. 14m west of the Castle Street and Eglinton Street Junction.

The application site is located within the Irvine Town Centre Conservation Area as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran). Policy INF8 (Telecommunications) would be relevant, which requires any such proposals to satisfy the criteria listed in the policy. Policy BE1 (Development in Conservation Areas) is also relevant and states that proposals for development which would adversely affect the visual amenity or historical/architectural character of a conservation area including its setting, buildings, open space and trees shall not accord with the local plan. All development requires to be assessed against the Development Control Statement (DCS) where the relevant criteria would be (a) siting, design and external appearance, (b) amenity and (d) access, road layout and parking provision.

The applicant's agent has submitted a statement in response to the criteria listed in Policy INF8 which relates to alternative site options and a possibility of sharing operational facilities in relation to siting the cabinet.

2. Consultations and Representations

The standard neighbour notification has been issued and no representations have been received to date.

Roads Services - No objections

3. Analysis

Policy INF8 states that such proposals shall accord with the local plan where the proposal satisfies the following criteria:

- (a) the development is not located in a manner that would be prejudicial to the proper planning of the area. It is considered that the proposal would be minor in scale and as such would not prejudice any future developments;
- (b) the visual impact of the proposal in the townscape and natural environment is acceptable. It is considered that the visual impact would be limited, given the minor nature of the proposal and its position against the boundary wall of 5-10 Academy Court
- (c) there is no negative cumulative visual impact of the development with existing apparatus. There are no existing telecommunications cabinets within close proximity.

- (d) the applicant has demonstrated that alternative sites have been investigated. The applicant's agent has stated that the technical limitations require the cabinet to be no closer than 2m to the existing PCP (Primary Cross Connection Point) cabinet and no further than 50m from it, as broadband speed would be affected. For these reasons the proposed site has been selected as the preferred location.
- (e) the possibility of shared operational facilities have been considered. The applicant's agent has stated that for technical reasons the cabinet cannot be shared with any existing apparatus. In view of the above it is considered that the proposal accords with Policy INF8.

With regards to Policy BE1, for the above reasons, it is considered that due to the minor scale of the proposal, the Cabinet would not have a significant adverse impact on the character or appearance of the conservation area and as such, it would accord with Policy BE1. With regards to criteria (a) and (b) of the DCS for the above reasons, it is found to be acceptable. There would be a distance of approximately 1.57m from the cabinet to the edge of the footpath, maintaining sufficient space for pedestrians. Roads Services also has no objections to the proposal. Therefore the proposal would also accord with criterion (d).

It is considered that the proposal would accord with Policy INF8, BE1 and the relevant criteria of the DCS. There are no other material considerations. It is therefore recommended that planning consent is granted as per Appendix 1.

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
20 February 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00048/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.

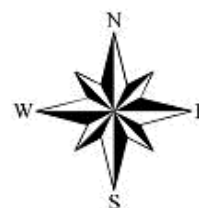
Committee Plans

13/00048/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 5.2

Planning Committee

Planning Area

**13 March 2013
Irvine/Kilwinning**

Reference

Application

Registered

Decision Due

Ward

**13/00049/LBC
29 January 2013****29 March 2013
Irvine West**

Recommendation	Agree to grant Listed Building Consent, subject to Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997
-----------------------	--

Location	Trinity Church, Bridgegate, Irvine
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Applicant	Irvine Bay Regeneration Company 43 Ardrossan Road Saltcoats KA21 5BS
------------------	---

Proposal	Installation of 2 stained glass windows, erection of a weather vane and the replacement of a concrete crown stone with a sandstone crown stone
-----------------	--

1. Description

This report relates to an application for listed building consent which seeks approval to undertake further works which would alter the character of Trinity Church, which is currently the subject of a major restoration and preservation project. The proposed works would involve the installation of 2 new stained glass windows; the erection of a new weather vane and the replacement of an oval shaped concrete crown stone at the top of the steeple with a sandstone crown stone. The stained glass windows, weathervane and crown stone will be specially commissioned following the outcome of design competitions for local schools run by Irvine Bay Regeneration Company.

The stained glass windows, which would be installed within two existing rectangular shaped window openings at first floor level on the north elevation of the steeple, facing onto the new Trinity steps, were designed by a pupil of Greenwood Academy and a pupil of Irvine Royal Academy. One of the designs features an image inspired by the new Fullartoun Arches bridge, with the other being an abstract town plan of Irvine beside the sea.

The weathervane would feature the design by a fifth year pupil at Greenwood Academy. Her winning design features a weathervane with compass points and the silhouette of a group of four people holding hands on a black arrow which would also include the numerals 2012 depicted in Charles Rennie Macintosh style.

The crown stone would replicate the architectural style of the spire and would be made of a similar type of sandstone (in terms of colour and texture) to the rest of the church.

Both competitions were judged by a panel which included representation from Historic Scotland.

The church occupies an elevated position to the south of Bridgegate near to the entrance of the Rivergate Shopping Centre and to the rear (west) of residential properties in Hill Street. There are further residential properties in Kirkgate to the south, with the Rivergate Shopping Centre to the west. The main access to the site is the flagstone driveway which leads up from Bridgegate, but there is also a pedestrian access from steps from a small parking area at the north end of Kirkgate. The new staircase leading up to the Trinity site is now under construction.

The site lies within Irvine Town Centre as defined by the North Ayrshire Local Plan (excluding Isle of Arran). The main policy covering the site is TC1. The church, built in 1861 - 1863, is a Category A listed building, and lies within Irvine Town Centre Conservation Area. Policies BE5 and BE1 are therefore relevant for considering the proposed alterations.

The church ceased to be a place of worship in 1963, following the merger of the congregation with another local church, Wilson Fullarton. Trinity fell into disrepair and was disused until 1979, when it re-opened following repairs as the Trinity Centre. This use continued until 1997, following the winding up of the Irvine New Town Development Corporation at the end of March 1996. The Corporation had, in conjunction with the former District Council, helped to financially support a range of community uses. In the absence of sufficient public subsidy, this use ceased and the building again fell into disrepair.

Since then, considerable efforts have been made by the Council to safeguard the building and attract a new and sustainable use. There is an extensive planning history over the past decade, including approval to convert the disused church into a public house (refs. 08/00299/PP and 08/00314/LBC). In recent years, Trinity Church has been the focus of a successful funding bid made by North Ayrshire Council and the Irvine Bay Regeneration Company for a Historic Scotland Conservation Area Regeneration Scheme (CARS). Work is ongoing by Irvine Bay Regeneration Company to secure an end user for Trinity Church.

2. Consultations and Representations

Neighbour notification and publicity for the applications was undertaken in accordance with statutory procedures. One letter of objection has been received, which can be summarised as follows:

1. The fitting of a poor quality weather vane, which unlike the original, is not suitable with the Gothic style church of 1860, nor is it suitable to the history of the town as a sea port. Instead, the original should be repaired and replaced or a copy made. The history of the church designed by F.T.Pilkington in 1861-1863 is outstanding quality and the design of the stain glass windows by Daniel Cottier, Scotland's most historical artist, should not be replaced by amateur childish art work .

Response: Not agreed. The existing weather vane is not historically accurate, nor is the concrete crown stone. The new stained glass windows would replace parts of the building which have been lost to vandalism. Whilst the vast majority of the building is being restored to reflect its original character and appearance, the use of the building has changed, giving some scope for alterations of the type proposed, which would add a unique and contemporary contribution by present day inhabitants of the town.

2. The standard of art design should be the best in Scotland, not making a mockery of Irvine Trinity Church . The design by pupils of the local primary school are of very poor quality and not the best in Scotland as laid down in the requirements of the buildings of this status .

Response: There are no specific "requirements" set out for artwork in category A listed buildings - each individual case must be judged on its merits. It is not agreed that the designs are of "very poor quality." The chosen designs were arrived at following competitions which, as stated above, were judged by panels that included a representative of Historic Scotland. A key issue for the overall project at Trinity is about injecting new life into a key town centre building in order to assist regeneration, and the new artwork was considered to be a way of involving local young people in the process.

Consultation

Historic Scotland: no comments on the proposals.

Response: Noted.

3. Analysis

Policies BE5 and BE1 are relevant to the consideration of this application. Policy BE5 states that proposals for a development of a listed building or within its setting that would have an adverse impact on a listed building or its setting, or any features of special architectural or historic interest, shall not accord with the Local Plan. Similarly, Policy BE1 states that proposals for development which would adversely affect the visual amenity or historical/architectural character of the conservation area, including its setting, buildings, open space and trees, shall not accord with the Local Plan.

It is considered that the proposals would be acceptable in terms of the above policies, which would add several modern but sympathetic features to one of Irvine's most important historic buildings. The details contained in the application drawings illustrate that the proposed works would introduce new artwork features to the building, neither of which would involve any significant loss of character or historic fabric, and which would be reversible. This work is considered appropriate for the reasons given above.

Finally, the proposal has been assessed against the Development Control criteria and again for the reasons given above, is found to be acceptable. It is recommended that the application should be referred to Historic Scotland for their consideration, as required by the relevant regulations. No conditions are recommended in this instance.

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
25 February 2013

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

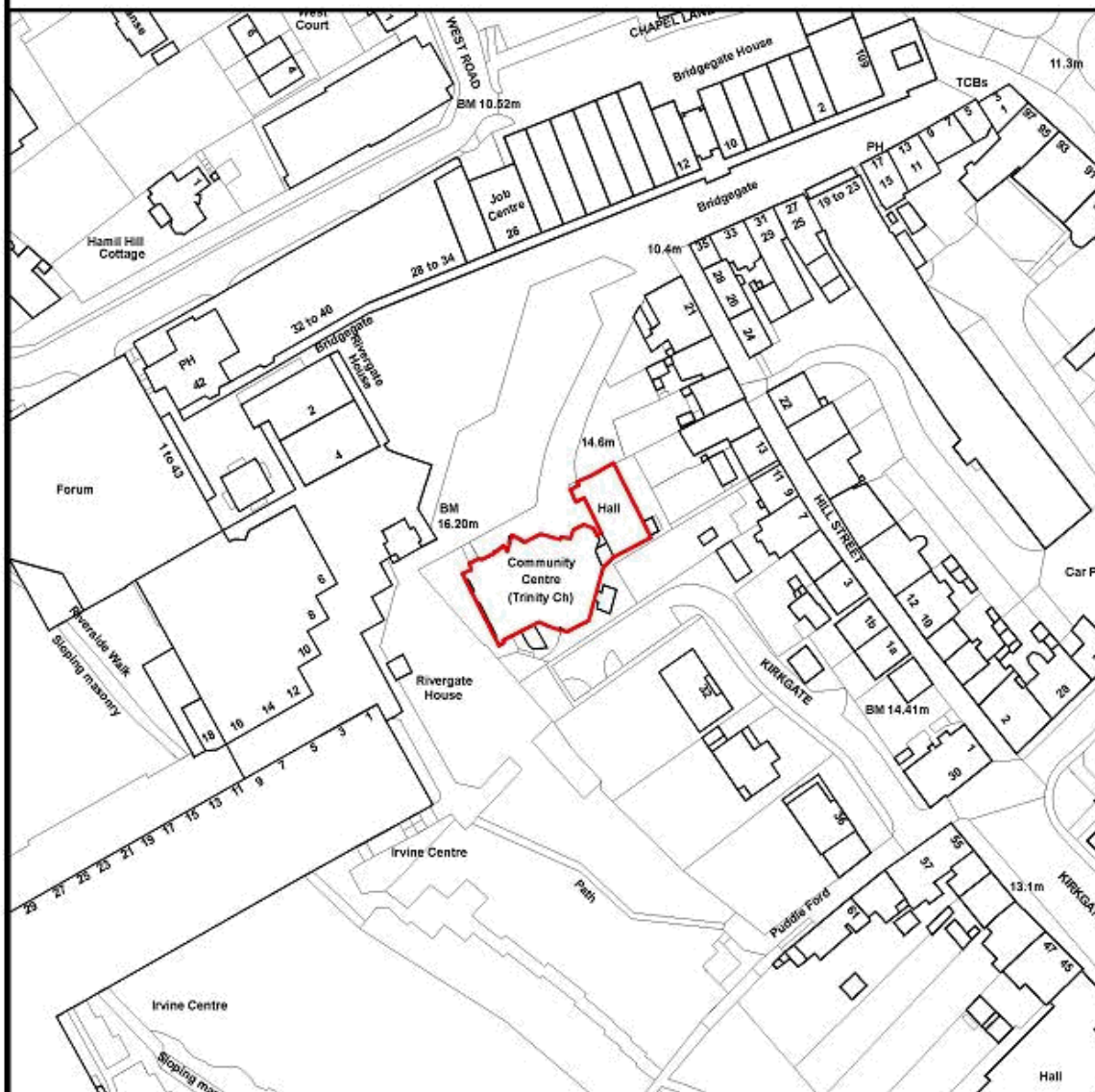
APPENDIX 1

RECOMMENDATION FOR LISTED BUILDING CONSENT APPLICATION REF NO 13/00049/LBC

Grant (No conditions) subject to Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997.

Committee Plans

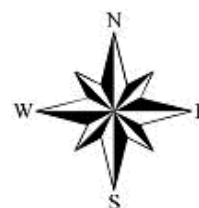
13/00049/LBC



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NORTH AYRSHIRE COUNCIL

Agenda Item 5.3

Planning Committee

Planning Area

**13 March 2013
Irvine/Kilwinning**

Reference

12/00661/PPM

Application

08 January 2013

Registered

Decision Due

08 May 2013

Ward

Irvine East

Recommendation	Agree to grant subject to the conditions contained in Appendix 1
-----------------------	---

Location	Site To West Of Earlswood Wynd Montgomerie Park Irvine
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Applicant	Persimmon Homes Ltd 180 Findochty Street Garthamlock Glasgow G22 5EP
------------------	--

Proposal	Erection of 118 dwelling houses and associated works
-----------------	--

1. Description

The site is located within the Montgomerie Park residential allocation, specifically comprising a development area named 'Site 2 (Ladyacre)', as identified in the Local Plan and Montgomerie Park Masterplan. It is located on the south site of Montgomerie Park Drive, which in turn connects eastwards to the wider road network at the Hill roundabout.

To the east is the completed residential development by Robertson Homes at Site 1 (Earlswood); to the West is the undeveloped Site 3 (Trindle Moss); on the north side, beyond Montgomerie Park Drive, is an area of functional open space, including formal play facilities, beyond which are further development areas: Sites 10 (Knights), 11 (Pennant) and 13 (Archers). Site 13 is complete, having been developed by Persimmon Homes a number of years ago. Site 11 is partially complete, being an ongoing development by David Wilson Homes. To the south is an area of structural landscaping with the A78 with Castlepark beyond

The site topography falls gradually from Montgomerie Park Drive, generally from north to south. Beyond the southern boundary the ground falls more markedly, towards a circulatory footpath, with the slope containing a number of trees. The eastern boundary, in its northern section adjoins a public footpath, whilst its southern half abuts an area of managed landscaping, again containing some trees. The western boundary abuts a drainage channel, with the development area of 'Site 3' beyond. A SUDS basin/pond is proposed in the south western part of the site and will form a feature around which houses will be positioned. The site extends to some 5.2 hectares, and is part of the much larger allocated residential development site at Montgomerie Park.

The site would have two accesses off Montgomerie Park Drive, leading into a residential development comprising of a mixture of 2, 3, 4 and 5 bedroom homes. Principally the dwellings would be detached (84), although there are some semi-detached (16) and terraced (18) properties. The proposed dwellings are to be finished with dry rendered walls (white) and tiled roofs (red or grey). Some brick (red or buff) detailing is proposed to the window cills and basecourse. Footpath connections are proposed from the site to the wider footpath network, creating permeability throughout and beyond the wider Montgomerie Park development area.

Pre- application discussion with Officers focussed on the general layout of the site. Subsequent discussion has involved the design and finishes of the proposed housetypes and some minor layout issues, which has resulted in amendments to the application.

The Adopted North Ayrshire Local Plan (excluding Isle of Arran) identifies the site as a residential allocation. The site specific policies are RES3 (Urban Fringe Sites), and RES7 (Montgomerie Park). Other relevant policies are: TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), INF6 (Flooding), RES1 (Housing Allocation), OS2 (Open Space and Play Provision in New Housing Developments), and BE14 (Design Guidance). All applications must also be assessed against the relevant criteria of the Development Control Statement (DCS).

In support of the application, the applicants submitted a Planning Statement, Design and Access Statement, and a Pre-Application Consultation Report. The Planning Statement considers the site's location, planning history, development plan context and other material considerations, and concludes that the site is identified for residential development, provides a variety of housing types and values, encourages sustainable transport, meets with Council parking requirements, takes account of the principles of 'Designing Streets', and is capable of contributing to the North Ayrshire Housing Land requirement.

The Design and Access Statement concludes that the proposals acknowledge the history of Irvine and embraces the design principles of 'Designing Places' and 'Designing Streets', and that the environment, envisaged by the Master Plan for Montgomerie Park, has been respected. It states that the development would create a desirable place to live, which acknowledges the character of Irvine, stimulates the development of the remainder of Montgomerie Park, is assessable to all, and is financially viable.

A Pre-Application Consultation (PAC) process was undertaken by the applicants, as the proposals are 'major' development. The Report gives details of the applicant's approach to community consultation including a public consultation event, advertising of the public event, consultation with the Community Council and notification of adjoining residents. The report details the numbers that attended the event and comments made by those engaging at the pre-application stage. The report also outlines how the applicants responded to the comments received.

Outline planning permission for the residential development of Montgomerie Park and full planning permission for structural landscaping was granted on the 22 December 2006 (ref. 06/01070/OPP). This application set out the 'development areas' and structural landscaping framework at Montgomerie Park.

As a 'major' development, this application requires to be determined by the Planning Committee.

2. Consultations and Representations

Neighbour notification was undertaken on ⁸ January 2013 and the application was advertised in a local newspaper on 18 January 2013, for neighbour notification purposes. Two objections and one representation have been received.

- (1) The level of development at Montgomerie Park requires that Montgomerie Park Drive be extended north-west to link into Long Drive and this has been advised in the past by North Ayrshire Council.

Response – NAC Roads and Transportation raises no objections to the application and do not advise of any requirement to form another access point/link to Long Drive.

- (2) Concerns that the SUDS facilities within the wider Montgomerie Park have not been adopted by Scottish Water and that this issue should be resolved before any further development takes place.

Response - Scottish Water have been consulted on the application and do not object. It is proposed that drainage from the development is connected to the public sewerage system and a condition can be attached requiring that surface water is dealt with by SUDS. On the 20 February 2013 the Planning Committee approved an application (Ref: 12/00711/PP) for minor amendments to two SUDS ponds elsewhere within the Montgomerie Park development area, to enable their adoption by Scottish Water. There is no need to delay a decision on this application.

Scottish Water - No objection. It should be noted that any planning approval granted by the Council does not guarantee a connection to Scottish Water's infrastructure. The water network has capacity to serve the proposed development. A totally separate drainage system will be required with surface water discharging a suitable outlet. Scottish Water requires a Sustainable Urban Drainage System (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Response - A condition could be imposed to ensure that surface water discharges to a SUDS system. The applicants could be advised by note to contact Scottish Water with regard to connecting to its infrastructure and other regulatory matters.

NAC Estates and Energy Management – No comments.

Response – Noted.

NAC Roads and Transportation – Following initial concerns relating to the internal roads layout, which were subsequently addressed by the applicant and saw a revised site plan submitted, there are no objections. No roads related conditions are recommended.

Response – Noted.

NAC Flood Risk Management Officer – No objections. Advise that the nearest named and known watercourse (Red Burn) should not be affected by any future surface water run-off from SUDS. Such SUDS should be designed to Scottish Water adoptable standard and details of this system should be submitted to the Council prior to construction.

Response - A condition could be imposed requiring that suitably designed and self certified details of a SUDS system are submitted to NAC and that such a system be designed to the satisfaction of Scottish Water.

SEPA - No objections. The following advice is provided in relation to: flood risk; surface water drainage; foul drainage; and waste. Flood Risk: although the site is not identified, within the Indicative River and Coastal Flood Map, as being at risk of flood, it is adjacent to a small water course and consequently may be at risk of flooding. Surface Water Drainage: discharge of surface water to the water environment must be in accordance with the principles of the SUDS Manual (C697) which was published by CIRIA in March 2007. Foul Drainage: This must be discharged to the public sewerage system, the applicant should contact Scottish Water in this regard. Waste: Advice is given in relation to waste separation and collection.

Response - Flood Risk: NAC's Flood Risk Management Officer has been consulted and raises no objections, subject to the suitable design of SUDS. Surface Water Drainage: A suitable condition can be attached to address the design of SUDS. Foul Drainage; it is proposed to discharge foul drainage to the public system, an informative can be attached advising the applicant to contact Scottish Water in this regard. Waste: an informative can be attached advising the applicant to contact NAC's Waste Collection & Recycling Team to discuss any requirements.

NAC Environmental Health – No objections. Observations are made relating to time limits relating to noisy construction works (0800 -1800 hours Mondays to Fridays and 0800 -1300 hours on Saturdays). That plant and machinery should be operated to minimise nuisance from noise and vibration. Provision of electricity by a generator is not appropriate between 2300 and 0700 hours. Construction work must not cause noise or nuisance to neighbouring properties due to excessive noise or dust. Appropriate arrangements must be made for the removal and proper disposal of waste materials off site. Burning of waste is not permitted unless exempted by SEPA. The presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Environmental Health Service of North Ayrshire Council. Thereafter, a suitable investigation strategy, agreed with the Environmental Health Service of North Ayrshire Council, shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site.

Response – It is noted that EH have written to the applicant directly in relation to these matters, additionally the applicants could be advised to contact Environmental Health directly thereon. A condition could be imposed with regard to procedures required should any contamination be encountered during the development phase.

NAC Streetscene – No comments.

Response – Noted. Comment in relation to Policy OS2: Open Space and Play Provision in New Housing Developments, is given in the analysis below. A condition could be attached requiring that full details of the landscaping and play area are submitted for the prior approval of North Ayrshire Council as Planning Authority. An informative can be attached advising the applicant to contact Streetscene to discuss the form and content of the play area.

3. Analysis

The site is located within an area allocated for residential purposes in the adopted North Ayrshire Local Plan (excluding Isle of Arran). The main determining issues are whether the proposals accord with the relevant Local Plan policies, namely, RES1 (Housing Allocation), RES3 (Urban Fringe Sites), RES7 (Montgomerie Park), TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), INF6 (Flooding), OS2 (Open Space and Play Provision in New Housing Developments), and BE14 (Design Guidance). The application also requires to be assessed against the relevant Development Control Statement criteria.

As the proposal is for residential development in an area allocated for housing on the Local Plan map, it accords with Policy RES1. RES3 (Urban Fringe Sites): requires that identified urban edge development proposals, of which Montgomerie Park is one, shall make provision for substantial structure planting to ensure an effective boundary between town and country. This requirement was addressed via the 2006 approval of application 06/01070/OPP, which set out the 'development areas' and structural landscaping framework at Montgomerie Park. This application is located and designed within this approved framework. The development accords with Policy RES3.

RES7 (Montgomerie Park): notes that the Council shall promote development at Montgomerie Park for housing and other social and community facilities, in accordance with an approved Master Plan. The proposals comply with the framework set out in the Outline planning permission (06/01070/OPP) and the approved Master Plan.

Policy TRA1 (Strathclyde Passenger Transport): public transport services are available at Montgomerie Park Drive and the proposals meet the requirements of TRA1. TRA2 (Walking and Cycling): requires that significant development proposals shall demonstrate that account has been taken of the needs of walkers and cyclists. Footpaths and cycle routes have been provided within the wider Montgomerie Park estate, including the paths to the east and to the south of the site. Within the site layout there are footpaths and routes which link to this wider network, accessing bus stops, local facilities, shops and schools. A condition could be applied requiring that such connections are completed timeously to the satisfaction of North Ayrshire Council as Planning Authority. The proposals comply with TRA2.

Policy INF6 (Flooding): The site is not known to have flooded in the past, nor is it identified as being at risk of flooding in flood risk consultation maps. However, given the comments received from SEPA relating to the proximity of a small watercourse (drainage channel), the Council's Flood Risk Management Officer was consulted and has raised no concerns, subject to appropriately designed SUDS which can be controlled via a suitable planning condition.

OS2 (Open Space and Play Provision in New Housing Developments), the areas of open space, including an equipped play area, within the proposed housing layout are considered appropriate and are complemented by the large areas of formal and informal open space in the wider Montgomerie Park estate. The closest formal play area is located immediately to the north and the recently completed Multi Use Games Area (MUGA) some 260m due east, beyond site 14. Furthermore the layout and landscaping programme for the site would contribute to establishing a green corridor which would be beneficial to amenity, outdoor recreation, landscape and nature conservation. As such the proposals are considered to comply with Policy OS2. Conditions can be attached controlling the design of the proposed play area and the timing of its provision.

BE14 (Design Guidance): requires that development proposals should conform to prepared guidance. In this regard there is the Montgomerie Park Master Plan and the Council's 'Neighbourhood Design Guidance'. As has been discussed above it is considered that the proposals are in line with the strategy laid out in the Master Plan. The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims.

With regard to the Development Control Statement, an assessment of the criteria as follows:

- (a) Siting, Design and External Appearance – the proposed site layout is largely similar in design to the existing developed parts of Montgomerie Park, although some additional ‘Designing Streets’ elements have been incorporated. The visual effects would be compatible with the development typologies in the surrounding areas, being of similar size, scale, form, massing, height and density. Additionally the external design and finishes would be simple and not out of keeping with the other development areas in the locality. Significant improvements to the external finishes have been achieved, through negotiations by Officers, during the processing of the application.

The design and appearance of the proposed houses are considered to be satisfactory. The proposed houses would enjoy an acceptable standard of outlook, area of garden ground and amenity space, offering an acceptable standard of residential amenity. Accordingly the siting, design and external appearance of the development are considered to be acceptable.

- (b) Amenity - Due to the siting and layout of the dwellings, as well as the distance to neighbouring residential properties, there would be no adverse impacts on residential amenity by reason of loss of privacy, sunlight or daylight, and there would not be any significant adverse implications for visual amenity.
- (c) Landscape Character - The site is located within the Montgomerie Park Master Plan area and there has been structural landscaping undertaken which enables the development areas to be appropriately visually integrated to this edge of settlement location.
- (d) Access, Road Layout and Parking Provision - The proposals have been assessed by NAC Roads and Transportation who, following minor amendments, have no objections.
- (e) Water and Sewerage - Scottish Water do not object to the proposed development. Conditions could be imposed to ensure that the development incorporates appropriately designed SUDS and a note can be attached advising the applicant to contact Scottish Water regarding the other issues they raise.

A material consideration is the impact of the proposed development on flora and fauna. In this regard it is considered that the development area principally comprises rough grassland, although there are trees in peripheral areas which will be affected. There are no statutory designated sites within close proximity to the site and site habitats are dominated by un/managed amenity grassland. The woodland areas are likely to be considered the most ecologically important, providing bird nesting and bat foraging habitat. In order to manage and enhance biodiversity, protected species such as Bats, should see presence/absence surveys undertaken during March/April - October. Otherwise, the prime consideration is breeding birds, as such it is recommended that site preparation and vegetation clearance is conducted outwith the breeding bird season (nominally March to August inclusive), alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected. Suitable conditions can control such matters.

In view of the foregoing, it is considered that the proposal accords with the relevant Local Plan policies, the Development Control Statement criteria, and the Council's Master Plan for the site. Planning permission can therefore be granted subject to the conditions listed in Appendix 1.

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
27 February 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00661/PPM

Grant subject to the following conditions:-

1. That prior to the commencement of the development hereby approved, self certified details of 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 North Ayrshire Council as Planning Authority. Such self certification shall be given by a suitably qualified person. 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.
2. That prior to the commencement of development a scheme of landscaping, which shall include details of phasing, species, planting densities, soil treatment and aftercare (management and maintenance) and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development shall be submitted to and approved by North Ayrshire Council as Planning Authority. Thereafter all planting, seeding or turfing within those approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings to which the landscaping best relates (as per the phasing details) or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed equipped play area, and a scheme for the future management and maintenance of the play area. Such an approved play area shall be completed and available for use no later than the completion of 50% of the dwellings hereby approved, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That prior to any tree felling taking place, such trees shall be surveyed for the presence of bats and a report, prepared by a suitably qualified person, shall be submitted for the written approval of North Ayrshire Council as Planning Authority detailing the findings of the survey and any measures required to be taken prior to the felling of the trees. Any recommendations shall be implemented all to the satisfaction of North Ayrshire Council as Planning Authority.

5. That all tree removal, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.
6. That any works to or in proximity to trees shall be guided by an Arboricultural Impact Assessment and Arboricultural Method Statement, which shall be submitted to North Ayrshire Council as Planning Authority. Such documents should be used to guide the detailed design process.
7. The shared footpath connections, hereby approved, from the site to the wider footpath network shall be completed following the occupation of the buildings to which the routes best relate, such details shall be set out in a phasing plan. Prior to the commencement of the development, the phasing plan shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority, and thereafter shall not be varied, unless otherwise agreed in writing.
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. On the completion of any decontamination works, written verification of the works and details of any remediation, shall be submitted to North Ayrshire Council as Planning Authority.

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

1. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
2. In the interest of the amenity and biodiversity of the area.
3. In the interest of the amenity of the area.
4. In the interests of preserving and protecting flora and fauna.
5. In the interests of preserving and protecting flora and fauna.
6. In the interests of preserving and protecting flora and fauna.

7. In the interest of the proper planning of the area and to ensure accessibility issues are addressed.
8. To meet the requirements of Environmental Health.

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

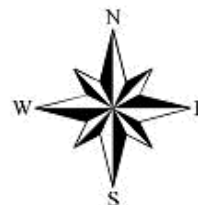
12/00661/PPM



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NORTH AYRSHIRE COUNCIL

Agenda Item 5.4

Planning Committee

Planning Area

**13 March 2013
Irvine/Kilwinning**

Reference

Application

Registered

Decision Due

Ward

**13/00070/PP
11 February 2013****11 April 2013
Irvine East**

Recommendation	Grant subject to (i) no additional significant material objections being received by 15th March 2013; and (ii) Conditions contained in Appendix 1.
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Location	13 Lower Vennel Bourtreehill South Irvine Ayrshire KA11 1PQ
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Applicant	Mr Sukh Dave Basra 22 Macara Drive Irvine KA12 0LH
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Proposal	Sub-division of existing shop to form hot food take-away including installation of new shop front
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1. Description

It is proposed to form a new hot food take-away shop with an internal floor area of some 62 square metres in the north-east corner of an existing shop unit. The new unit would be formed by the erection of an internal partition wall in an existing storage area and would be completely enclosed with no internal link to the existing convenience store. The proposed take-away would open from 4pm to 11pm seven days a week.

The existing Class 1 convenience store occupies the whole of the ground floor of the north-west most block on the north side of the pedestrianised local shopping area at Bourtreehill Village Centre. The unit is owned by North Ayrshire Council and is occupied by a Nisa supermarket.

In terms of external alterations to the building, an aluminium framed central entrance door and 2 windows, all to a height of some 2.35m, would be installed in the existing blank, rendered front wall to form a new shop front. No details of any fascia or signage are included in the application. There are existing external ventilation grilles on the north east elevation of the building but no information has been submitted with regard to any additional ventilation measures.

The premises are located at the end of a parade of shops, with flats and offices above. There is another convenience store and a Post Office in the block opposite. Other uses within the precinct include a Chemist, Bookmakers, Hairdressers, Chinese Takeaway and Public House. Five units currently appear to be vacant.

In the Adopted North Ayrshire Local Plan (excluding Isle of Arran), the site lies within a residential area. The application requires to be considered against Policy TC6 (Local Shops) and the Development Control Statement of the Local Plan.

2. Consultations and Representations

The statutory neighbour notification was carried out and the application was also advertised in a local newspaper on 22nd February 2013 both for neighbour notification purposes and as potential 'bad neighbour' type development. The advertisement period expires on 15th March 2013.

A petition headed "petition against proposal of new chip shop" which contained 115 names was received. In addition, eight individual objections have been received, the points of which are summarised below:-

1. The objectors were not directly notified of the application by the Council, but instead found out from a neighbour. One objector believes that this was deliberate as he already runs a hot food take-away in the area.

Response - The Development Management Regulations require notification to be sent to neighbours within 20m of an application site. The objector's addresses are outwith this distance. As noted above the application was also advertised in the local press for notification and publicity purposes.

2. The proposal would result in smells, litter and noise disturbance.

Response - The Council's Environmental Health Service was consulted and has made recommendations on the scope of a possible mechanical ventilation system for the premises. It is recommended that a condition is imposed requiring the submission of full ventilation details to ensure that these meet the requirements of Environmental Health. There are litter bins within the shopping precinct, and the collection of litter is undertaken by the Council's Streetscene service who can be advised by members of the public of any particular problems, if they occur. Noise disturbance, if it occurs, can be reported to the Police.

3. There are general safety concerns arising from loitering and anti-social behaviour, which could deter people from using the shops and businesses within the village centre.

Response - Should it occur, loitering and anti-social behaviour would be matters for the attention of the Police.

4. The proposed takeaway would result in a concentration of such uses in the immediate vicinity, despite there being other vacant shops within the village centre which could be used instead, and which would avoid such a concentration.

Response - The application must be considered on its individual merits. Although there is one existing takeaway nearby, it is not considered that two takeaways would amount to an unacceptable concentration of "bad neighbour" uses.

Consultations

Environmental Health - Insufficient details have been provided about the mechanical ventilation facilities in the proposed hot food take away and the application includes commercial catering operations and as such will be permitted to prepare full meals from an extensive menu and/or frying. Furthermore, there is office accommodation directly above the proposed development and domestic properties in the vicinity of the proposed development. Having considered the proposals, it is advised that any approval should be subject to the following conditions:

(a) The applicant must engage the services of a competent person, for example a suitably qualified ventilation engineer, to consider the planning proposals and assess the needs for a suitable mechanical ventilation system and implement any recommendations to ensure that cooking odours are minimised outwith the premises. Particular attention is required regarding:

- Adequate odour control solutions;
- Air extraction and intake fans to ensure sufficient fresh air is mechanically supplied to the replace displaced air;
- Adequate number of air changes.

The mechanical ventilation system must be adequate and suitable for the food handling/cooking to be undertaken, and must be capable of operating without causing nuisance to neighbouring properties due to cooking odours or noise.

(b) Prior to works starting on site, details of the extraction system for the removal, from the premises, of cooking odours and products of combustion shall be submitted for the written approval of the Environmental Health Service of North Ayrshire Council. The system shall incorporate canopies over all cooking appliances with suitable air flow, grease filters and odour control facilities.

Response: The applicant's agent has indicated that there is an existing ventilation flue to the rear which would be used for odour extraction, although it is not yet known whether or not this would be fit for purpose. A condition can be attached requiring full details of an appropriate ventilation system to be submitted to satisfy the requirements of Environmental Health in the interests of the amenity of the area.

Estates - A number of shops at Lower Vennel are currently vacant. There is a possibility that the introduction of another hot food outlet could be detrimental to the viability of the existing hot food take away at No. 4 Lower Vennel, which could result in another vacant shop. Another estates management concern relates to alterations within the premises which may have been implemented without the necessary statutory consents, and landlords consent. The applicant has been made aware of the requirement to rectify the situation. The position regarding these alterations would have to be addressed prior to consideration being given to the issue of landlords consent in respect of the proposed hot food takeaway.

Response - The effect of a proposed development on an existing take-away business and vacant units in the area is a matter of commercial competition and is not a material planning consideration. Notwithstanding this, there is only one other takeaway in the centre which serves an extensive residential area and it is not considered that allowing the proposal would result in an over-provision of such facilities. The proposal under consideration furthermore is for a pizza/kebab type takeaway, as distinct from a Chinese takeaway. This would provide variety in available services for residents, although it is also acknowledged that planning permission would not be required for any future change in the food types served. With regard to the other estate management concerns raised in relation to landlord consents, it should be noted that tenancy obligations are not a material planning consideration. Should any statutory consents have been required for any work that has been undertaken at the premises, these will require to be investigated by the relevant authorities.

3. Analysis

The site is located within a residential area in the Adopted North Ayrshire Local Plan (excluding Isle of Arran). The proposal requires to be considered in terms of Policy TC6 (Local Shops) and the relevant criteria of the Development Control Statement in the Local Plan.

Policy TC6 relates to proposals for the provision of local shops outwith town centres, including shops attached to filling stations, hot food shops, cafes and betting offices and also changes of use of such shops away from retail. The application site is within a currently existing group of shops which has functioned as a local shopping centre area for many years. The proposed use falls within the acceptable range of uses listed in the policy that can be provided in such areas.

Policy TC6 further requires that proposals for changes of use away from retail shall show that the premises have been marketed for retail purposes, to the satisfaction of the Local Planning Authority, and that no interest has been expressed at a rental level similar to other retail properties in the locality. Whilst the proposal is for sub-division of an existing shop to provide a hot food takeaway, the development would only involve the loss of part of the internal storage area of the existing shop. There would be no loss of retail sales floor space from the existing store and no alterations to the existing shop front of that unit. As the proposal would not result in the loss of any shop units, it is therefore considered that a marketing exercise in relation to change of use away from retail is not required in this case. For these reasons, the proposal accords with Policy TC6.

With regard to the Development Control Statement, the relevant criteria are (a) siting, design and external appearance and (b) amenity.

The hot food take-away would be sited in an existing parade of shops in a local neighbourhood shopping centre. The only external alterations proposed are the formation of the shop front windows and entrance door where there is currently a blank frontage consisting of a solid masonry wall. The other shop units in the parade are recessed, whereas this proposal would utilise the existing wall which is adjacent to the pedestrian precinct. No details have been submitted with regard to shopfront security, and it is considered necessary and appropriate that such details are submitted for further consideration. This would avoid the potential for unsympathetically designed roller shutters, which is of particular importance to the appearance of the unit especially given the proposed hours of operation during the early and late evening. The premises would be closed during most of the day time and prominently positioned solid shutters with projecting boxes could have an adverse impact on the character of the village centre. Otherwise, the proposed design for the frontage is considered to be largely compatible with the general appearance of the other shop fronts in the area, and is therefore considered to be appropriate. No signage is detailed in the application, and any future proposals would require to be assessed in terms of the requirements for planning permission or advertisement consent. For the avoidance of doubt, a condition should therefore be applied regarding the submission of signage details prior to the commencement of the development. The proposal is otherwise considered appropriate in terms of criterion (a).

Criterion (b) relates to amenity and it is acknowledged that take-away uses below flatted residential properties can affect amenity in relation to noise disturbance and odours.

In relation to noise, the upper level of the building is split between offices to the front, above the proposed entrance to the application premises, and flats to the rear above the internal areas of the existing shop. Activity associated with the proposed use in terms of customers entering or exiting the premises would not therefore significantly affect nearby residential properties. It is expected that the majority of customers would originate from the surrounding residential area and the proposed use is unlikely to result in the generation of significant additional vehicular traffic on local roads. Given that the premises are in a pedestrianised area, served by existing car parks, there would be no significant impact from traffic noise.

In relation to cooking odours, Environmental Health has no objections but has requested further information through planning conditions. There are residential flats to the rear of the upper level and full details of the proposed ventilation arrangements would be required to be submitted for approval prior to the commencement of the development to ensure that these properties are not unduly affected. If subsequent additional ventilation is required then careful siting of any additional external flue would be required such that there would be no significant impact on residential amenity.

In conclusion, it is considered that the proposed use would be acceptable in a local shopping centre. The matters raised by objectors, such as potential anti-social behaviour generated by customers visiting the premises, as well as the number of other vacant units in the village centre, are not sufficient reasons to refuse the application. Furthermore, commercial competition is not a material planning consideration.

In view of the above, it is considered that the proposal accords with the provisions of the Local Plan, there are no other material considerations to be considered and conditional planning permission can be granted. The newspaper advertisement notification period expires on 15th March 2013 and no decision should therefore be issued unless and until the period has expired without further significant material objection being made on grounds which have not been addressed in this report.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black 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
28 February 2013

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

NMcA/SLP

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00070/PP

Grant subject to (i) no additional significant material objections being received by 15th March 2013; and (ii) the following conditions:-

1. That, prior to the commencement of the development hereby approved, details of a mechanical ventilation system, adequate and suitable for the removal from the premises of cooking odours and products of combustion, from the food handling/cooking to be undertaken, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Such details as may be approved shall be implemented prior to the commencement of the development and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, details of any external shopfront security measures to be installed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt, the housing for any roller shutters shall be fully concealed and recessed within the wall, and shall not project beyond the shopfront. In addition, any roller shutters shall be finished in a colour to be agreed and shall be either perforated or brick bond in design, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the finish(es) to the shopfront wall(s).
4. That, for the avoidance of doubt, this planning permission does not give consent for any signage or external alterations other than those shown on the approved drawing (ref: BASRA 1046-01), and that the development hereby approved shall not be commenced until full details of any such proposed changes have been submitted to, and approved by, North Ayrshire Council as Planning Authority.

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

1. To meet the requirements of Environmental Health.
2. In the interests of amenity.
3. To ensure that the external finishes are compatible with the adjoining properties and the surrounding area.
4. 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

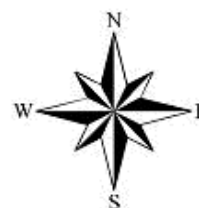
13/00070/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 6.1

Planning Committee

13 March 2013

Planning Area

North Coast and Cumbraes

Reference

13/00042/PP

Application

29 January 2013

Registered

Decision Due

29 March 2013

Ward

North Coast & Cumbraes

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

LocationThe Bean & Leaf
The Promenade
Largs**Applicant**Miss Toni Dawson
The Bean & Leaf
The Promenade
Largs**Proposal**Formation of new entrance canopy and terrace,
alteration of existing ramp access and
replacement of existing glazed screens with
folding doors

1. Description

This application relates to the Bean & Leaf cafeteria situated on the Promenade in Largs. It is bounded to the south by the Escape Amusement Complex, to the north by the promenade car park, and to the west by public toilets. It is proposed to form a new entrance canopy and terrace, alter an existing ramped access and replace existing glazed screens on the front elevation of the property with folding doors, all of which would be on the front, east, elevation of the building facing Gallowgate Street. The proposal is part of the Largs Shop Front Improvement Scheme.

The site is located within the Town Centre area of Largs as identified in the North Ayrshire Local Plan (excluding Isle of Arran) where Policy TC1 applies. This policy identifies a variety of uses, including existing use of the premises, that are considered to be acceptable within town centres. The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan. The building is owned by the Council.

2. Consultations and Representations

The statutory neighbour notification procedure has been carried out and the application was advertised in the local press for neighbour notification purposes. No objections or representations were received .

Consultations

Transport Scotland - No objections - on the basis that the proposed ramp and terrace area will not extend beyond the limits of the existing ramp and flower bed and that the only access to the cafe at this point would be from the ramp.

Response - Noted.

3. Analysis

The main determining issue in this case is whether the proposals accord with the relevant local plan policy, and the Development Control Statement criteria. The site is located within the Town Centre area of Largs, as identified within the adopted Local Plan. The application relates to alterations to an existing acceptable use in terms of Policy TC1, and there would be no conflict with Policy TC1.

The relevant criteria of the Development Control Statement in this case are (a) siting, design and external appearance, (b) amenity and (d) parking and access. In relation to criterion (a), the premises are currently accessed by way of a short disabled access ramp and steps on either side of a single entrance door on the street elevation. It is proposed to alter this access to form a ramped access on the opposite side of the entrance door which would extend over a length of some 4.2m with the same width as the existing ramp.

On the opposite side of the entrance doors, a raised terrace area would be formed enclosed by a glass balustrade. It would extend some 10.3m along the entire frontage of the building to the north of the access door. It would not project any further out than the existing access ramp and would replace an area of landscaping bounded by raised kerbing. The floor level of the proposed terrace area would be some 250mm above the adjacent footway level and the balustrade would be framed by stainless steel handrails and posts at a height of 1.1m above the terrace level.

It is also proposed to form a canopy feature at the entrance door comprising a shallow mono-pitched glass roof over the width of the entrance doors supported on two steel posts. The front elevation would be completely glazed and flush with the glass balustrade of the access ramp and terrace.

The final component of the development comprises the replacement of two large window panels, each measuring some 3.7m wide and 2.25m in height, with two sets of 6 panelled inward opening folding doors, which would allow access onto the proposed terrace area. The applicant advises that the terrace and ramp would be constructed in concrete with its external face clad with ceramic tiles. As no specific details have been submitted, a condition could secure samples of the proposed finish to this part of the development.

The proposed development seeks to improve the appearance, functionality and access to the premises. It is considered that the proposals would result in an improvement to the appearance of the premises and accordingly satisfy the requirements of criterion (a) of the Development Control Statement.

With regard to Criterion (b) it is considered that the only component of the proposed development that would have amenity implications is the formation of the terrace and potential for external seating. The limited area of the proposed terrace, extending to some 11.2 square metres in area, could accommodate a small amount of external seating and is likely to be used only when the proposed folding doors are open. There would be limited occasions when the doors would be open, and given the location of the premises adjacent to the busy Gallowgate Street and proximity to other tourist type uses, the proposed terrace would not have a significant adverse impact on amenity. The proposals would therefore satisfy criterion (b) of the Development Control Statement.

Transport Scotland offered no objection to the application, as the proposed ramp and terrace area would not extend beyond the limits of the existing ramp and flower bed, and that the only access to the cafe at this point would be from the ramp. The proposal therefore accords with criterion (d).

It is considered that the proposed development conforms with the Local Plan allocation, and also satisfies the relevant criteria of the Development Control Statement of the Local Plan. It is therefore recommended that conditional planning permission be granted.

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
20 February 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00042/PP

Grant subject to the following condition:-

1. 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/samples of the proposed treatment of the base course of the ramp/terrace.

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

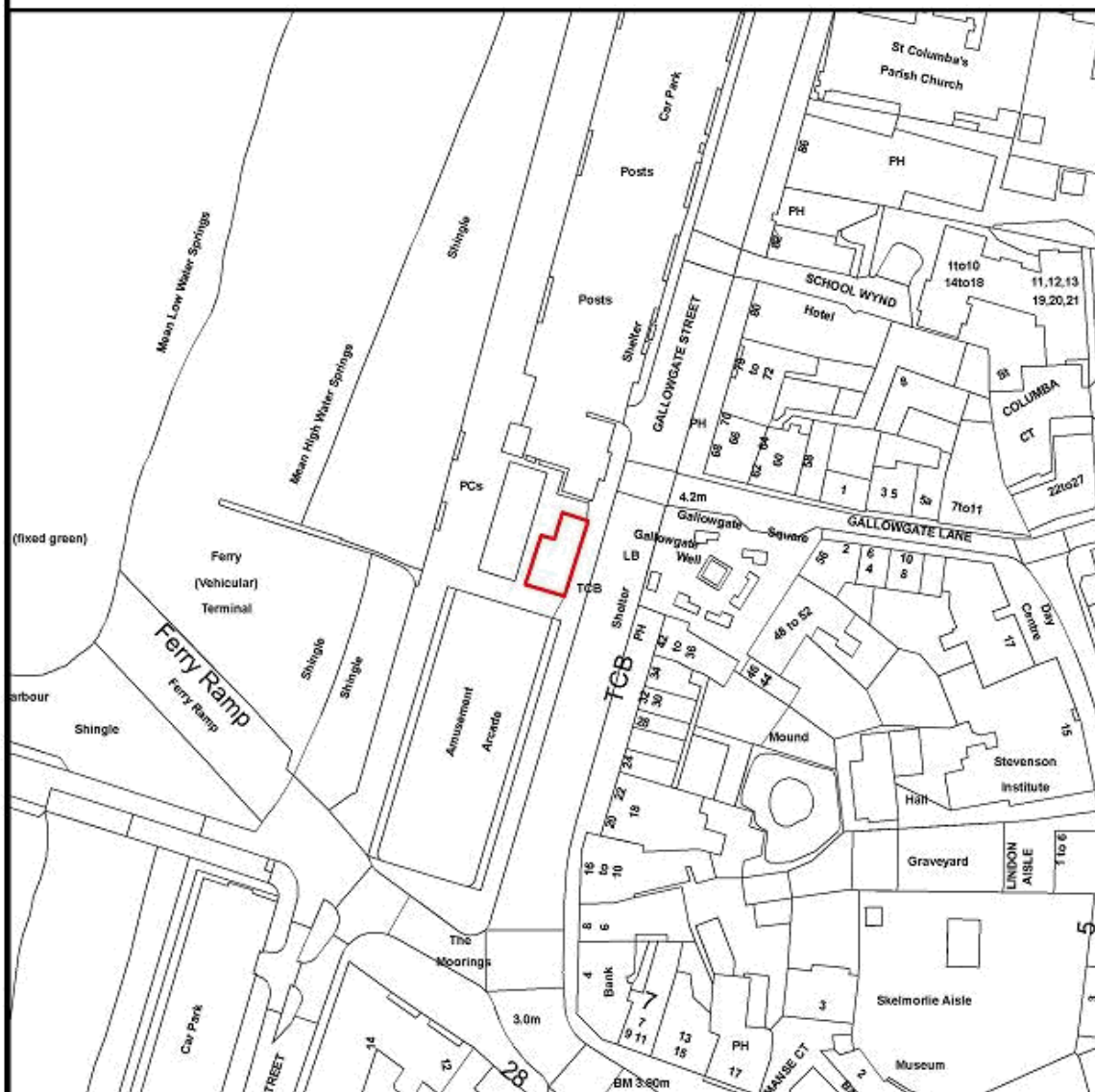
1. In the interest of the amenity of the area.

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.

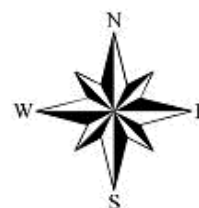
Committee Plans

13/00042/PP



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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 6.2

Planning Committee

13 March 2013

Planning Area

North Coast and Cumbraes

Reference

12/00643/MSCM

Application

27 November, 2012

Registered

Decision Due

27 March, 2013

Ward

Dalry & West Kilbride

Recommendation**Grant as per Appendix 1**

LocationGoldenberry Farm
Hunterston Estate
West Kilbride**Applicant**SP Transmission
Prenton Way
Prenton
Merseyside**Proposal**Erection of a convertor station and substation

1. Description

On 15 February, 2012 planning permission in principle was granted for the erection of a convertor station and substation at Goldenberry Farm, Hunterston Estate, West Kilbride (planning reference 11/00708/PPPM). The current application seeks approval of Matters Specified in Conditions attached to planning permission in principle of which there were 14 in total.

The convertor station and substation are part of a project connecting the electricity transmission network in Scotland with England and Wales by a sub-sea High Voltage Direct Current (HVDC) cable between Connah's Quay, in Deeside, North Wales and Hunterston. The power carrying capacity of the existing cross border high voltage transmission lines has been maximised but the amount of electricity which needs to be moved across this part of the transmission system continues to grow particularly as more renewable energy generators connect to the system. Around 4km of underground HVDC cable is proposed to be installed between Hunterston and Ardnail Bay where it would connect to a marine cable. Approximately 385km of sub-sea HVDC cable would be led from Ardnail bay to Connah's Quay. Planning permission is not required for the underground and sub-sea sections of cabling. Great Britain's Transmission Licence Holders, have maximised.

The development is "Major" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and falls to be determined by the Planning Committee. Pre-application consultation was carried out in relation to the application for planning permission in principle but does not require to be undertaken with regard to an application for approval of Matters Specified in Conditions.

The electricity convertor station would be located on the north-west facing slopes of Goldenberry Hill on the Hunterston peninsula approximately 150m south of the decommissioned Hunterston A Power Station and some 300m south-west of Hunterston B Nuclear Generating Power Station. To the south and east the site is bounded initially by a tree belt beyond which the land is mainly in agricultural use. To the west it is bounded by a wooded hillside with the Firth of Clyde further west beyond a narrow strip of low lying level ground. The site is currently used for grazing. A single track road providing access to Goldenberry Cottage and the redundant Goldenberry farm steading passes through the site.

The converter station comprises:

- 2 Filter buildings measuring : 147m x 42.5m x 22m(h)
- 2 Valve Halls : 47m x 46m x 24.1m(h)
- 1 Control building ; 30m x 26m x 11.5m(h)
- 2 PLC buildings : 22.5m x 22.5m x 17.7m(h)
- 1 GIS building : 72m x 15.5m x 14m(h)
- 1 SVC/Converter building : 40m x 31.5m x 13m(h)
- 1 Spare parts building : 40m x 15m x 7m(h)

The 2 filter buildings would be located towards the western boundary of the site and the 2 valve halls and other structures (noted above) would occupy the central part of the site. The substation, measuring some 84m in length by some 27m in width with a ridge height of 14m, would be located on agricultural to the north-east of the converter station, some 90m due east of the Hunterston B substation and some 90m to the north and east of the overhead power transmission lines serving the power station.

The applicants seek approval of matters specified in conditions 1 to 13 inclusive and have addressed each condition as follows:

Condition 1 - That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping, including ground works and early implementation of tree planting, and means of access to the proposed development shall be obtained before the development is commenced. Any subsequent detail submitted in relation to these matters shall accord with the Outline Design Framework of the Environmental Report accompanying this application.

Detailed plans of the siting, design, external appearance and landscaping of the development have been submitted. These indicate that the converter station would be built on the slope of Goldenberry Hill and that two construction platforms, one 3.5m lower than the other, would be cut into the slope.

The proposed converter station and substation buildings have been designed in accordance with the Outline Design Framework (ODF) to be visually compatible, the applicants state, with the existing buildings on the adjoining Hunterston B power station site. They are smaller than the existing buildings and have been designed in recessive colours from a palette of grey to minimise their visual impact. The buildings are generally rectangular in plan with shallow dual and mono pitch roofs and constructed in the same materials and colours as the existing buildings. Base walls would be formed in blue coloured engineering brickwork.

Landscaping proposals have been submitted to complement the existing vegetation of the area, enhance screening and also to set a back drop against which the converter station would be viewed. Mixed native planting has been proposed to enhance the ecological potential of the existing woodland and tree belt. Exposed rock faces would be similar to that of rock faces in motorway cuttings.

The applicants advise that tree planting would commence in Autumn 2013 using a range of sizes to ensure that the proposed planting will provide an immediate effect upon completion of the development.

Access to the site will be taken from a temporary haul road approved under planning permission reference 12/000284/PP. Permanent access will be taken from an existing gated access road to the south of Hunterston A power station.

Condition 2 - that with regard to condition 1, the applicant shall ensure that the design process seeks to minimise the height of the buildings as far as practicable.

The applicants state that the height of the buildings has been minimised as far as is practicably possible. This they say will ensure that the development will not break the skyline and will sit no higher than 65m AOD in accordance with the Environmental Report which accompanied the application for planning permission in principle. The tallest buildings within the converter station, the valve halls, would in fact have a ridge height of 56m AOD. The building heights are generally lower than those indicated at planning permission in principle stage. The valve halls, were indicated as having a height of between 26m and 30m whereas the detailed proposals indicate that the height of the buildings would be 24.1m. These buildings would also be located on the lower building platform to reduce their visibility and prevent them from breaking the sky line. It was indicated at planning permission in principle stage that the other major buildings would range in height from 9m to 24.5m. The heights of the other major buildings now range from 7m to 22m; the sub station building would have a ridge height of 14m.

Condition 3 - that prior to the commencement of the development the applicants shall agree a Detailed Emergency Response Plan (DERP) with North Ayrshire Council as Planning Authority in consultation with Nuclear Site Licensees and the Emergency Planning Consultative Committee which shall include details of all emergency planning requirements for the site in construction and operational phases, adoptions for consultation meetings if required. The DERP shall also provide details of plant location, heights and sizes, altering and notification arrangements, must have points, shelter areas, emergency evacuation routes, arrangements with emergency services and emergency contact numbers etc., all to the satisfaction of North Ayrshire Council as Planning Authority.

A DERP has been submitted which the applicants state was prepared in consultation with the Nuclear Site Licensees and updated in accordance with comments and recommendations made. The plan has also been submitted to the Ayrshire Civil Contingencies Team for consideration. The applicants state that the DERP is a working document for the use of the Site Manager and operatives at each stage of construction which will be updated as required throughout the life of the project. The principal contractor will ensure compliance with the DERP and update and revise the plan as appropriate in consultation with relevant stakeholders.

Condition 4 - that the routing of all construction traffic shall be subject to a "Traffic Management Plan" to be agreed by North Ayrshire Council as Planning Authority and Transport Scotland prior to the commencement of construction works; should the plan indicate that local roads require to be utilised and more than 6 one-way HGV vehicle movements per hour are expected then the applicants shall re-assess the impact on the local road network and carry out any infrastructure improvements deemed necessary; the B780/B781 local road network is not considered an appropriate haul route for both construction and operational phases of the development.

A Traffic Management Plan (TMP) has been lodged which sets out an appropriate haul route avoiding the B780/B781. The applicants state that the combined figures for HGV vehicles are predicted to be less than 6 one-way movements per hour and therefore road infrastructure improvements are not deemed necessary.

Condition 5 - that prior to the commencement of the development, including any demolition works, bat and otter surveys shall be undertaken and a Badger Protection Plan prepared, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority, including proposals for implementation of any recommendations contained in the surveys and Badger Protection Plan.

Bat, otter and badger surveys have been carried out in accordance with requirements of the condition.

The survey did not identify any signs or shelters of otter on any of the water bodies or watercourses surveyed. No badger sets were identified on the development site. Precautionary measures however are recommended as badger activity was confirmed within 50m of the site. Badger protection however is incorporated into a Mammal Protection Plan recommended by the authors of the badger survey. Bat roost sites were identified at Goldenberry Cottage, Goldenberry Farm and in a sycamore tree north of Goldenberry Farm. Hedges and tree lines across the site were identified as being used by bats for transiting and foraging. Mitigation measures for the potential loss of bat habitat have been incorporated into the Schedule of Mitigation in accordance with the requirements of condition 13 (see below).

Condition 6 - that all ground or vegetation clearance works shall take place out with the main bird breeding season, ie. out with the period April to July inclusive and prior to the demolition of Goldenberry Cottage and associated out buildings, a barn owl survey shall be carried out to establish whether these buildings are being used as a roost or nest site by barn owls; the survey shall be carried out by an experienced licensed consultant and if owl usage is found the consultant shall advise on mitigation and the need for a licence, all to the satisfaction of North Ayrshire Council as Planning Authority.

The applicants advise that ground and vegetation clearance shall take place outside the period April to July inclusive. They further advise that barn owl surveys have been carried out by an appropriately licensed ecologist which concluded that the building at Goldenberry Cottage does not provide suitable roosting or nesting habitat for barn owls but that the main farmhouse and outbuildings were considered to offer suitable potential roosting and nesting habitat. Inspection of the exterior of the buildings and parts of the interior did not identify any signs of barn owl. Given the lack of nesting and roosting activity on site, the effects of the development on the species were not considered to be significant. Regular inspections up to the point of demolition of the buildings however would allow the applicants to be confident that the building is not used by barn owls in the winter months. The applicants state that demolition would be carried out under supervision prior to the main breeding season. A range of enhancement measures are proposed to compensate for the lost potential breeding space including the installation of suitable nest boxes.

Conditions 7 - that prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of proposals for the appointment of a suitably qualified Environmental Clerk of Works to ensure delivery of the ecological mitigation measures contained in the Environmental Report during the construction of the development.

The applicants confirm that the role of Environmental Clerk of Works as required by the condition will be undertaken by an experienced team of professionals. Details including the CV of the lead Environmental Clerk of Works have been provided. A detailed description of the role of the Environmental Clerk of Works and environmental management throughout the construction period has also been provided.

Condition 8 - that the Water Management and Pollution Prevention Procedures for the development shall be implemented in agreement with North Ayrshire Council as Planning Authority and any discharges from the site shall if possible avoid Portencross Coast SSSI; prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a plan for the continued long term monitoring of discharges from the site to ensure that there are no detrimental impact to the SSSI and that there is no long term reduction in quality of surface and ground water resources, all to the satisfaction of North Ayrshire Council as Planning Authority.

Measures to satisfy this condition have been incorporated into a Drainage Strategy Statement submitted in support of the application.

Condition 9 - that prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed disposal of foul drainage from the development, both during construction and operation; the approved details including programming shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

The Drainage Strategy Statement submitted in support addresses the requirements of this condition. During construction of the converter station foul drainage will be taken to a cess pit and effluent transferred to a tanker and treated off-site in accordance with the Site Waste Management Plan for the converter station. Foul drainage during the operational phase would be taken to a septic tank. During the construction of the substation, separate arrangements will be made for disposal of construction foul waste and once operational, a septic tank will be provided out falling to a soakaway.

Condition 10 - that prior to the commencement of the development hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained CIRIA's "Sustainable Urban Drainage System 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.

The Drainage Strategy Statement has been prepared to satisfy the requirements of this condition. For the convertor station drainage run off will leave the north side of the site and connect into an off-site collector sewer. Oil interceptors and full retention oil dump tanks are incorporated into the system. The applicants state that Scottish Water's infrastructure would not be affected by the proposed drainage. Drainage from hard standing areas at the substation, ie. building roof and access roads will outfall via filter drains and carrier drains to tie in with the convertor station drainage scheme.

Condition 11 - that prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority a Drainage Assessment prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" which can be found on the SEPA website. The discharge of storm water from the development shall comply with the stipulated design criteria, current SUDS Design Guidance (CIRIA Report C521) and any requirements of Scottish Water. In addition the Drainage Assessment shall address the following: the effects of a 1 in 200 year storm and run-off plus climate change, the effects of differing storm conditions shown on a plan to ensure that no water enters buildings or restricts movements of emergency vehicles, including an assessment of flow routing of surface water through the site, a strategy for dealing with any field drainage affected by the works, and a maintenance regime for surface water drainage measures. All calculations shall be approved and certified by an appropriately qualified person.

The submitted Drainage Strategy Statement and Surface Water Drainage Statement address the requirements of this condition with regard to the convertor station phase of the development. The drainage for the substation, the applicants state, will be designed so that no flooding would occur on the site in a 1 in 200 year rainfall event and so that the substation would remain serviceable during a 1 in 1000 year rain fall event. Calculations were provided by WSP Engineering Consultants.

Condition 12 - that prior to the commencement of the development hereby approved, the applicants 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 by PAN33 and BS10175:2001. 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.

A contamination assessment has been prepared by SKM Enviros and independently reviewed, the latter concluding that the methods used in the assessment and conclusions are appropriate for the proposed scheme. The assessment concludes that no remediation of the site is required and therefore no remediation strategy is required. The ground works however will be monitored full time by an appropriately qualified geo-environmental Engineer. If suspect materials are encountered further soils analysis and a Risk Assessment will be carried out.

Condition 13 - that a detailed schedule of all mitigation measures, in accordance with the Environmental Report accompanying this application including, where appropriate, timescales, shall be submitted in support of any subsequent application lodged in relation to condition 1 above: the agreed mitigation measures shall form the basis of an Environmental Management Plan which shall be implemented during the construction and operation of the convertor station and substation to the satisfaction of North Ayrshire Council as Planning Authority.

A Detailed Schedule of Mitigation Measures has been lodged which sets out the measures to which commitments were made in the Environmental Report submitted in support of the application for planning permission in principle. It also includes mitigation measures identified during the ecology surveys carried out in accordance with conditions 5 and 6 of planning permission in principle.

A Traffic Management Plan has also been submitted by the applicants which provides details of construction vehicle movements, assesses the impact on the road network and proposes mitigation to minimise traffic disruption etc.

Development Plan

As indicated above, planning permission in principle has been granted for the proposed convertor station and substation and was considered to accord with the relevant Structure Plan and Local Plan policies.

In the Adopted North Ayrshire Local Plan (excluding Isle of Arran) the site is allocated for countryside purposes and is unaffected by any site specific policies or proposals therein. The following policies are relevant to the current application:

Policy ENV6 is opposed to developments that would have an adverse impact on sites that are important for nature conservation. A number of these are located within the vicinity of the site, namely, Portencross SSSI, Seamill to Ardneil Bay Site of Importance for Nature Conservation (SINC), Ardneil SINC, Campbelton Hill and Water Meadow SINC and Goldenberry Hill SINC.

Policy BE5 states that developments which would have an adverse impact on a listed building or its setting shall not accord with the Local Plan. Hunterston Castle, a category A listed building and Hunterston House, a category B listed building lie some 450m - 500m to the north-east of the substation and some 880m - 950m from the convertor station. Carlung House some 2.1km to the south east is category B listed.

Policy BE12 states that the Council shall take account of landscapes identified by the Garden History Society as being of local historic interest and of value to the heritage of the area when assessing development proposals in these areas. The landscapes of Hunterston House and Carlung House are identified by the Garden History Society and are located within the vicinity of the site.

All development proposals require to be assessed against the relevant criteria of the Development Control Statement.

The North Ayrshire Council draft Local Development Plan (LDP) was published on 29th April 2011 and represents the considered opinion of North Ayrshire Council. Following consultation it is now a significant material consideration. It identifies the site as being within a countryside area and unaffected by any site specific policies or proposals therein. The policies that are of relevance are ENV9 (Nature Conservation), HE2 (Listed Buildings) and HE5 (Historic Landscapes) and are similarly worded to the equivalent policies in the current Local Plan. The General Policy of the LDP is also similarly worded to the Development Control Statement.

On 20 February 2012 consent was granted for a 300kv overhead line, replacement towers and a short section of single circuit overhead line at Goldenberry Farm to serve the proposed convertor station and substation (reference 11/00839/ESU). Planning permission for a temporary access road providing access for the construction period of the convertor station and substation was granted on 9 August 2012 (reference 12/00284/PP).

2. Consultations and Representations

The application was subject to statutory notification procedures which included the publication of an advert in a local news paper. No objections or representations have been received.

Historic Scotland - No comments to make on the proposals. The Council should proceed to determine the application without further reference to Historic Scotland.

Response - Noted.

Environmental Health - No objection. The applicants should agree with Environmental Health permitted operating times for noisy demolition and/or construction works, minimising nuisance from noise, vibration or dust during construction, disposal of asbestos encountered during demolition operations and appropriate arrangements for the removal and proper disposal of waste materials off site. Burning waste on site is not permitted unless exempted by SEPA. With regard to condition 12 (contamination assessment) the submitted Report is considered to be acceptable with regard to satisfying the requirements of the condition.

Response - Noted. The applicants could be advised by note of the requirement to contact Environmental Health with regard to the matters detailed above.

HSC Office for Nuclear Regulation - No comment to make on the application. The decision is made without prejudice to the interests of other divisions and directorates of the Health and Safety Executive.

Response - Noted.

West Kilbride Community Council - There is no detail as to the volume of construction traffic or how it would impact on the existing road infrastructure. There is no information as to where the developer would remove the excavated materials to. The request that the buildings be recessed into the landscape appear to have been disregarded. There is no indication as to the landscape camouflaging of the finished building.

Response - The Traffic Management Plan submitted by the applicants has been examined by Transport Scotland and NAC Roads, neither of whom objected to the plan. As indicated above the Traffic Movement Prediction assesses vehicle movements to be less than 6 one way movements per hour and that accordingly road infrastructure improvements are not deemed necessary. No adverse impacts on the trunk road are therefore anticipated.

The applicants advise that excavated materials would be retained on site as part of the cut and fill operation to create the construction platforms.

The height of the buildings as noted above are less than the maximum levels estimated at the planning permission in principle stage and the height of the tallest building is some 9m lower than the height previously estimated due to a combination of lower building heights and ground levels.

Detailed landscaping proposals have been submitted which would assist in screening the development. The external surfaces of the buildings would also be finished in a palette of grey colours to complement the existing power station buildings.

NAC Roads - The proposed Traffic Management Plan (TMP) does not express a restriction on the use of the B780/B781 route. As materials may be sourced from local areas the TMP should indicate permitted routes from the local areas and areas south and west of Glasgow. In addition to indicating the permitted routes a method for monitoring non conforming vehicles requires to be developed. The TMP should indicate that vehicles should not run in convoys of more than two vehicles and be separated by a minimum of ten minutes.

Response - The TMP sets out a haul route which avoids the use of the B780/B781 in accordance with the requirements of condition 4. The TMP has been updated and now includes a statement confirming that no construction traffic shall utilise the B780 and B871 and that vehicles will travel in convoys of no more than two vehicles and that these will be separated by a minimum of ten minutes.

Scottish Natural Heritage - SNH has examined the Species Survey Report for badgers, otters, bats and barn owls and is content with the survey methodologies used. SNH endorses the proposed mitigation and habitat enhancement measures. With regard to bats, the demolition of Goldenberry Cottage, Goldenberry Farm House and the removal of mature sycamore , etc identified as supporting a bat roost, will require a European Protected Species Licence. Due to the industrialised nature of the development area and the screening that will be provided by the surrounding woodlands and proposed planting, SNH do not consider that there will be any significant landscape impacts.

Response - Noted. The applicants could be advised by note of the requirement to contact SNH with regard to obtaining a licence.

Transport Scotland - Conditions should be attached to any permission that the Council may give regarding approval by Transport Scotland of routes for abnormal loads, including any accommodation measures and also for any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered.

Response - Conditions could be imposed with regard to these matters.

SEPA - The submitted Drainage Strategy Statement has been examined and SEPA is satisfied that the issues in relation to SEPA's interests have been adequately addressed. SEPA has therefore no concerns regarding the discharge of conditions 8 (Water Management and Pollution Prevention Procedures), 9 (Disposal of Foul Drainage), 10 (SUDS) and 11 (Drainage Assessment).

Response - Noted.

West of Scotland Archaeology Service - The site is within an area of recognised archaeological potential and is large in scale, so the potential for significant unrecorded subsurface archaeological deposits remains an issue. No development should take place until the developer has secured the implementation of a programme of archaeological works in accordance a written scheme of investigation.

Response - Condition 14 was imposed at planning permission in principle stage with regard to the archaeological investigation. A separate application will be lodged by the applicants for approval of the matters specified in condition 14.

RSPB - The issues raised in RSPB's response to planning permission in principle were addressed by the conditions attached to the consent. These related primarily to preventing disturbance to nesting birds and minimising impacts on the Portencross SSSI as a result of the drainage outflow. Subsequent provision of the survey results and the plans for drainage, delivery of mitigation measures and role of the Ecological Clerk of Works satisfy the requirements of these conditions.

Response - Noted.

Scottish Wildlife Trust - No objection. However, it should be noted that the foraging area in the form of pasture is also important for badgers. The Ecologist should check that there is appropriate balance between open land and woodland. The grassland must continue to be grazed. The Landscape Plan refers to species rich meadow and species rich wet meadow seeding. Their reinstatement/seeding should also be under the control of an Ecological Clerk of Works. The nesting sites for peregrine falcon and raven at the Three Sisters/Ardneil Bank just to the south west of the site have not been recorded for the Nesting Birds Risk Assessment.

Response - These matters were referred to the applicants who advise that land outwith the finished development will be returned to its current state such that grazing activities can be resumed. The implementation of the landscape mitigation including reinstatement/seeding will be overseen by the Environmental Clerk of Works and supported by ecologists and landscape architects. The Nesting Bird Risk Assessment focused on the immediate development site. The applicants propose that where possible the civil construction programme will be organised to avoid disturbance in known areas of bird nesting etc. during their breeding seasons. Should hedgerows or trees need to be removed as part of the installation, then they shall be removed during the winter months when nesting and rearing of young has finished.

NAC Roads (Flooding) - The Drainage Strategy Statement has been reviewed along with the proposed Surface Water Drainage Statement with relevant drawings and is considered to be satisfactory.

Response - Noted.

Fairlie Community Council, Cumbrae Community Council - No response to date. The applicants advise however that they have been in discussion with Fairlie CC with regard to the proposed development.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions taken by Planning Authorities shall be in accordance with the Development Plan unless material considerations indicate otherwise. As noted above planning permission in principle has been granted for the proposed convertor station and substation which was considered to accord with the relevant Structure Plan and Local Plan policies. The current application seeks approval of the matters specified in the planning conditions attached to planning permission in principle reference 11/00708/PPPM.

Information in response to conditions 1 to 13 inclusive of planning permission in principle has been submitted by the applicants. The information has been examined by various consultees, none of whom objected and was generally found to be satisfactory.

The matters specified in the planning conditions require to be assessed against the relevant Local Plan policies, namely ENV6 (Nature Conservation), BE5 (Impact on Listed Buildings) and BE12 (Landscapes of Historic Interest). They also require to be assessed against the relevant criteria of the Development Control Statement..

With regard to Policy ENV6 the ecological impacts have been assessed by Scottish Natural Heritage, RSPB and the Scottish Wildlife Trust none of whom objected. The proposals have been designed to minimise the impact on nature conservation while landscaping and reinforcement planting are proposed. The proposal therefore accords with the Policy ENV6.

With regard to Policies BE5 and BE12 when planning permission in principle was sought, details were provided regarding the indicative scale and height of the buildings and their position relative to the power stations and historic environment. It was assessed at that time that the impact of the proposed development on the listed buildings and landscapes of historic interest would not be significant. The detailed drawings submitted in relation to the current application show that the buildings would be generally in the same position as originally indicated, though the buildings would be lower in height and cut lower into the hillside. Accordingly it is considered that the impact on the historic buildings and landscape in the vicinity of the site would as before be acceptable. Historic Scotland did not object to the detailed proposals.

The proposals now require to be assessed against the Development Control Statement criteria:

(a) Siting, design and external appearance

The siting of the buildings closely matches that indicated when planning permission in principle was sought. The position of the substation is unchanged but it has been angled to align with the orientation of the Hunterston B substation which would create a more satisfactory relationship with the existing buildings. The convertor station comprises a group of rectangular buildings resembling in appearance the power station buildings and having similar finishes. The scale, siting, design and external appearance are therefore considered to be acceptable. As noted above the height of the buildings and their elevation above OD (sea level) have been reduced from that which was stipulated at the previous stage.

(b) Amenity

Given the industrialised nature of the adjoining area and screening that would be provided by Goldenberry Hill and surrounding woodlands and also the proposed woodland planting, it is considered that there would not be a significant adverse impact on the landscape or visual amenity. It is furthermore unlikely to cause any significant amenity problems with regard to noise or vibration, smells or fumes, emissions or other environmental pollution.

(c) Landscape character

As indicated above it is considered that the impact on the landscape would not be significant. SNH did not object to the development in relation to landscape impact.

(d) Access, road layout, parking provision:

Subject to minor modifications to the TMP, neither Transport Scotland nor NAC Roads objected to the proposed development.

(e) Water and Sewerage

The impact of water and sewerage services for such a development would be limited. The proposals submitted by the applicants would ensure that the site is adequately drained to avoid pollution of water courses or sites of ecological value.

(f) Safeguarding zones

The site is located within the safeguarding area of the Hunterston Nuclear Power Stations. HSE Office for Nuclear Regulation did not object to the development. A detailed emergency response plan has been provided by the applicants as required by condition of planning permission in principle.

(g) The precautionary principle

An Environmental Appraisal was undertaken by the applicants when planning permission in principle was sought and the responses obtained at that stage indicated that there were no scientific, engineering, health or other grounds to suggest that the development would cause irreversible damage to the environment. The current proposals are also deemed to be acceptable in this regard.

In view of the foregoing, the plans and documents submitted in support of the application for approval of matters specified in conditions accord with the relevant local plan policies and Development Control Statement criteria of the adopted Local Plan.

With regard to the prepared Local Development Plan, the relevant policies and criteria of the General Policy are similar to the corresponding policies and Development Control Statement criteria of the current plan which have been assessed above.

In conclusion it is considered that the matters submitted in response to the conditions of planning permission in principle are acceptable and that conditions 1-13 inclusive of planning permission in principle reference 11/00708/PPPM can be discharged subject to the conditions contained in Appendix 1.

4. Full Recommendation

See Appendix 1.

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

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
26 February 2013

For further information please contact John Michel, Planning Officer , on 01294
324379
JM/JW/FG

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00643/MSCM

Grant subject to the following conditions:-

1. That the proposed route for any abnormal loads on the trunk road network shall be approved by North Ayrshire Council as Planning Authority, prior to the event. Any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc shall similarly be approved of North Ayrshire Council as Planning Authority.
2. That any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered shall be undertaken by a recognised Quality Assured Traffic Management Consultant, to be approved by North Ayrshire Council as Planning Authority, before delivery commences.
3. That the landscaping proposals indicated on the submitted Landscape Master Plan, Planting and Plan Detail Sheet shall be implemented in accordance with the details therein to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the Mammal Protection Plan outlined in the Badger and Otter Survey Report by Etive Ecology, dated June 2012 shall be implemented in accordance with the details described therein, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the recommendations contained in the Barn Owl Survey Report by Etive Ecology dated October 2012 shall be implemented in accordance with the details described therein, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the proposals regarding the appointment of a suitably qualified Environmental Clerk of Works as described in the report submitted in support of the current application shall be implemented in accordance with the details contained therein throughout the duration of the construction period, to the satisfaction of North Ayrshire Council as Planning Authority.
7. That all drainage from the development shall be disposed of in accordance with the Drainage Strategy Statement hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the schedule of mitigation measures hereby approved shall be implemented in accordance with the details and programme described therein, to the satisfaction of North Ayrshire Council as Planning Authority.

9. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority full details regarding the method of extracting rock from the hillside to form the construction platforms; thereafter rock extraction shall be undertaken in accordance with the approved details, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
10. That prior to the commencement of the development there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of proposals for the maintenance and management of the areas of landscaping, including maintenance schedules and management responsibilities; the maintenance and landscape management proposals shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation.

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

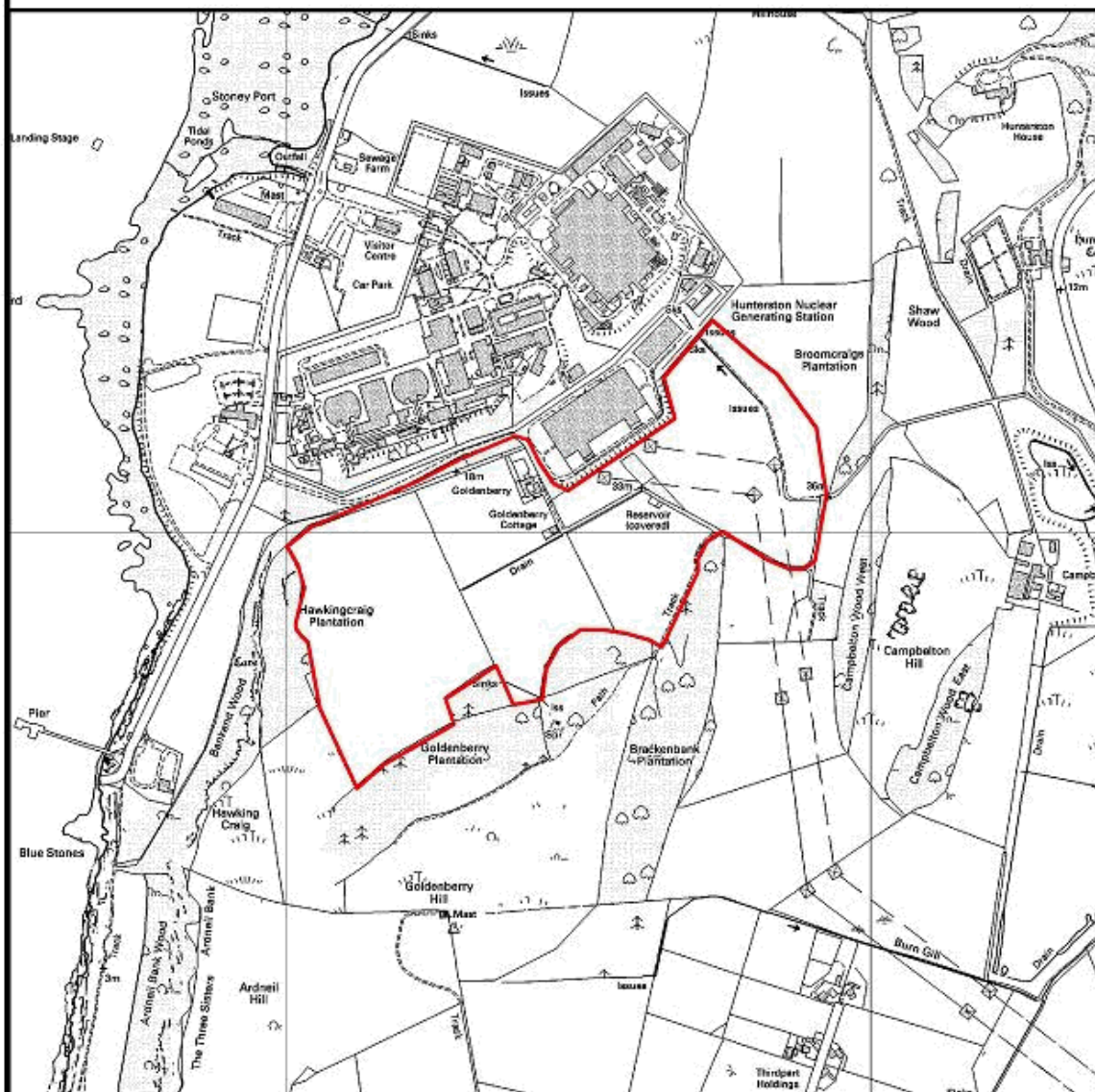
1. To maintain safety for both trunk road traffic and the traffic moving to and from the development and to ensure that the transportation will not have any detrimental effect on structures within the route path, as advised by Transport Scotland.
2. To minimise interference with the safety and free flow of traffic on the trunk road network, as advised by Transport Scotland.
3. To secure the proper completion of the development in the interest of amenity.
4. To minimise the impact of the development on mammals.
5. To minimise the impact of the development on barn owls.
6. To meet the requirements of RSPB.
7. To meet the requirements of Scottish Natural Heritage and SEPA.
8. In the interest of the amenity of the area.
9. In the interest of the amenity of the area.
10. To ensure the proper maintenance and management of the areas of landscaping.

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

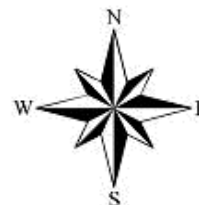
12/00643/MSCM



**NORTH AYRSHIRE
COUNCIL**

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NORTH AYRSHIRE COUNCIL

Agenda Item 6.3

Planning Committee

13 March 2013

Planning Area

North Coast and Cumbraes

Reference

12/00708/PP

Application

7 January 2013

Registered

Decision Due

7 March 2013

Ward

Dalry and West Kilbride

Recommendation**Grant as per Appendix 1**

LocationGlenhead Farm Cottage
Ardrossan**Applicant**Boydston Farming Company
per Mrs I Wilson
Low Boydston Farm
Ardrossan**Proposal**Amendment to planning permission
CH/01/89/0076 to remove occupancy restriction

1. Description

This application proposes the removal of a condition attached to a planning permission (CH/01/89/0076) granted on 25 May 1989 for the erection of a dwellinghouse at Glenhead Farm, now known as Glenhead Farm Cottage, which was originally supported on the basis of an occupancy need for an agricultural worker.

The application relates to Condition 1, which states "that the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 275 of the Town & Country Planning (Scotland) Acts 1972, or in forestry, or a dependent of such a person residing with him or her, or a widow or widower of such a person". The property forms part of the former farm steading of Glenhead Farm which is located off the A78 Trunk Road some 1.2km south of Seamill.

The application site lies within a Countryside area as identified in the adopted Local Plan where Policy ENV1 indicates a general presumption against development in the Countryside, which is not related to farming, forestry and other legitimate rural enterprises. This policy follows longstanding national and local planning policies requiring justification of a genuine operational need for a worker to live on the site in pursuance of an established rural business to be made. An occupancy restriction would be attached to the planning permission as a means of restricting the approved development to the terms of its justification/special need, in this case by restricting the occupancy of the house to a person, or a dependent of that person, employed, or last employed, in the locality in agriculture.

This general premise remains the case with the emerging Local Development Plan containing a similarly worded policy.

In support of the proposal the applicant has submitted the following supporting documents: a statement of justification for the removal of the permission; a Marketing Report prepared by CKD Galbraith, Estate Agents and Property Consultants; a copy of a Marketing Brochure for the sale of the property; an extract from Scottish Planning Policy (SPP) in relation to rural development policy; and a letter from the Scottish Government Chief Planner relative to occupancy restrictions and rural housing.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and there was no requirement to advertise the application. No consultations were considered necessary.

3. Analysis

This application relates to a house for an agricultural worker granted planning permission in 1989. At that time the farm business had three full-time and three part-time employees working 400 acres at Low Boydston and Glenhead Farms producing store and fat cattle, grain, silage and some 300 acres of potato crop. The scale and circumstances of the business at that time were considered by the then Department of Agriculture and Fisheries, to justify the need for a new house for an agricultural worker.

In support of the application to remove the occupancy condition, thereby releasing the house for sale unfettered on the open market, the applicant has submitted the following information:

- The applicant occupies the farm house at Low Boydston Farm.
- The farm worker who had occupied the cottage, since new, died in 2009, and his widow now wishes to move to a town location, closer to amenities.
- The farm business has changed significantly during the 23 years since the cottage was built. The present farm company now only employs one part-time worker, to check stock and crops, with all other work being carried out by contractors, including planting and harvesting the much smaller potato crop of 30 acres.
- The sale of the cottage would allow "enabling income" to help the farm company improve the existing farm infrastructure e.g. roads, drains, fences and other buildings in the farm.
- If there was ever a future need for accommodation on the farm unit for an agricultural worker, this could be achieved by way of conversion of outbuildings at Low Boydston Farm.
- The cottage has been marketed since September 2010, but the occupancy restriction prevents potential purchasers from obtaining mortgage finance. A report from CKD Galbraith, Estate Agents and Property Consultants, who have been marketing the property since July 2012, shows that despite particulars being sent to over 250 parties with 23 viewings, place, only one offer was received but subsequently withdrawn, due to apparent difficulties in accessing mortgage facilities.
- The recent policy guidance (SPP) and a letter from the former Chief Planner of the Scottish Government advising that Planning Authorities should, in their Development Plans, support more opportunities for small scale housing development in all rural areas including housing which is linked to rural businesses and not to generally promote the use of the occupancy restrictions. These policies however relate specifically to new housing proposals for workers engaged in rural businesses and do not cover existing consents where there are occupancy restrictions.

The changes to the farm since 1989 have seen a significant reduction in the scale and character of the farm business, and there is no longer a labour need for the house. The property has been subject to a prolonged marketing exercise, without success. Furthermore it is advised that should a need arise in the future for accommodation for a worker, there are redundant farm buildings within the steading which could be converted to provide accommodation. Finally the location of the house offers an acceptable standard of residential amenity in respect of any noise or disturbance from the work of the farm.

Whilst the original consent was solely justified on the basis of need in 1989, the circumstances have changed which indicate that the labour requirement for the farm can be adequately addressed from other accommodation, and the applicant has provided sufficient justification to support the application, and accordingly planning permission should be granted to remove the condition.

4. Full Recommendation

See Appendix 1.

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CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
4 March 2013

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 12/00708/PP

Grant (No conditions).

Reason(s) for approval:

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

NORTH AYRSHIRE COUNCIL

Agenda Item 7

13 March 2013

Planning Committee

Subject: **Notice Under Section 49 Of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997: 12 Crichton Street, Millport, Isle of Cumbrae, KA28 0ET**

Purpose: To seek approval to serve a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building.

Recommendation: That the Committee approves the serving of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

1. Introduction

- 1.1 This Report recommends the service of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 ("Urgent Works Notice") in relation to a building at 12 Crichton Street, Millport, Isle of Cumbrae ("the Property"). An Urgent Works Notice allows the Council, as Planning Authority, to serve on the owner of a Listed Building, which is unoccupied, a Notice of intention to carry out works which are considered necessary for the preservation of the building. The Notice shall give at least 7 days notice that the works will be carried out and describe what the proposed works are. The Council may also give notice to the owner of the building requiring them to pay the expenses of the works. The owner may appeal within 28 days of the service of the Notice to the Scottish Government against the requirement to pay for the works and the Scottish Government shall determine to what extent their representations are justified.

- 1.2 The Report follows a report to Committee on 5 December 2012, recommending that a Notice under Section 43 of the Planning (Listed Buildings and Conservation Area) Act 1997 ("Repairs Notice") be served in relation to the Property. The Committee agreed to continue consideration of the item in order to allow further monitoring, following information from the owner regarding imminent works. No works to secure the preservation of the Property have been carried out since that date. The condition of the Property is now such that an Urgent Works Notice is considered appropriate as it will allow the Council to carry out the required works in a quicker timescale and will allow for temporary measures to be undertaken to ensure immediate preservation.
- 1.3 The building at 12 Crichton Street is a mid-terraced dwellinghouse located on the west side of the street towards its northern end. The Property faces onto the sea front and has a rear garden adjoining Crawford Street. The property is a Category 'B' Listed Building, listed on 14 April 1971 as part of a group inclusive of 12-28 Crichton Street (even numbers only). The property is described as part of a two storey vernacular range facing the sea. The properties have either painted stucco front elevations or are rendered with incised lines in imitation of stone courses. Some of the properties have moulded eaves and slate roofs. The Property is located within the Millport Outstanding Conservation Area.
- 1.4 The Property is vacant and has been so for several years. Planning Permission and Listed Building Consent have been granted in the past for works to renovate the Property, however the permissions have never been implemented and the most recent permissions have lapsed. The rear of the property and in particular the roof are in a state of disrepair. The rear elevation has not been secured and there are no fittings in the window openings. The rear roof plane has partially collapsed causing a hole which has increased in size in the last year. As a result the interior of the property is exposed to the elements. This dilapidation is putting the property at risk due to the complete lack of protection from wind and water ingress and lack of security for the preservation of the building. The rear roof plane has already partially collapsed and should the joists of the roof become unstable the Property itself may be at risk of collapse.

- 1.5 The condition of the Property is such that works are urgently required to ensure its preservation. Over the past year the condition of, in particular, the rear roof plane has severely deteriorated. The Property is a Category 'B' Listed Building forming an integral part of a wider listed terrace situated within the Millport Outstanding Conservation Areas. Should works to secure the preservation of the Property not be carried out, the condition of the Property is likely to further deteriorate. This deterioration will jeopardise the preservation of the Property itself and may affect the viable preservation of adjacent listed buildings. The Property in its current condition adversely affects the quality of the Outstanding Conservation Area and any further deterioration is likely to exacerbate this adverse affect.

2. Current Position

- 2.1 A full summary of the planning history of the Property and correspondence with the owner was submitted to the Planning Committee in the report recommending the Section 43 Notice on 5 December 2012. In summary, the Council has been receiving complaints about the condition of the Property since 2004. The Council has been in correspondence with the owner since that date and has met with him to set out the Council's concerns; however, there has been no improvement in the condition of the building. There has, indeed, been a significant deterioration in the condition of the Property in the last year.
- 2.2 Since 5 December 2012 the Council has continued to monitor the Property and has been in further correspondence with the owner. An inspection of the property 9 January 2013 revealed that the rear elevation remained unsecured and that the collapsed roof had not been repaired. Scaffolding had been erected but no works had taken place. No satisfactory response to the correspondence has been received from the owner. Indeed they have stated that they do not feel that doing some remedial work would be fit for purpose. They have stated that they would like to strip the old roof and, in conjunction with applying for new permission, reinstate the roof.
- 2.3 The decision by the Planning Committee to continue consideration of a S.43 Notice was to allow further monitoring, following information from the owner regarding imminent works. The failure of the owner to carry out any works to secure the preservation of the Property has brought about the situation that urgent works are required.

3. Proposals

- 3.1 The condition of the Category 'B' Listed Building at 12 Crichton Street, Millport, is such that urgent works are required to preserve its future. The future of the building is at risk and has the potential to affect the future of the adjacent Listed Buildings. All efforts have been made to allow the owner the opportunity to address the Council's concerns, without satisfactory results. Despite several assurances from the owner and the extension of time to carry out the works, works to the rear elevation and roof have not taken place. This matter has been ongoing for several years and the condition of the Property has deteriorated, in particular the roof, which has suffered a further partial collapse in the last year.
- 3.2 Urgent works are required to preserve this unoccupied Listed Building, therefore, it is proposed that the Committee approve the service of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The works to be carried out are described in the attached Appendix 1 - Proposed Schedule of Works.
- 3.3 The urgent works set out in the Appendix are designed to be the minimum necessary for the preservation of the building and are to afford temporary shelter. The boarding over the rear windows and doors is required to ensure there is no wind and water ingress and to improve the security of the building. The repair of the roof is also required in the interests of security and ensuring no wind and water ingress, as well as to minimise the prospect of a larger roof collapse which could jeopardise the stability of the whole building.

4. Implications

Financial Implications

- 4.1 There is currently no budgetary provision to address these urgent repairs. This matter has been raised with Finance and Corporate Support. Notice be served on the owner of the property under Section 50 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which would require the owner to meet the costs of the works.

Human Resource Implications

- 4.2 N/A.

Legal Implications

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

Equality Implications

- 4.4 N/A.

Environmental Implications

- 4.5 N/A.

Implications for Key Priorities

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

Community Benefit Implications

- 4.7 N/A.

5. Consultations

- 5.1 Legal Services has advised on the legal considerations and Finance and Corporate Support has been advised of the Report in terms of budgetary provision, and the costs of the works.

6. Conclusion

- 6.1 It is considered that the owner of the property has been given sufficient notice and opportunity to secure the preservation of this Category 'B' Listed Building. Urgent works are now required to secure its preservation. The disrepair places the property at risk and also has the potential to affect the adjoining Listed Buildings. The service of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would appear the only option to the Council to ensure urgent works for preservation are carried out to this important building.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : ID/FG

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

Background Papers

None

Appendix - Proposed Schedule of Works

A Notice under S.49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 must describe the works, which are urgently necessary for the preservation of the listed building, that are to be carried out.

Therefore, it is proposed that the Committee approve service of a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 confirming that the following works are to be carried out:-

- i. Install and secure plywood (or similar) boarding over the windows and doors on the rear elevation of the building; and
- ii. Repair the rear roof plane of the property by repairing or replacing the rafters as necessary and covering areas where slates have fallen off, or required to have been removed, with felt covered plywood (or similar) boarding.

Notice Under Section 49 Of The Planning
(Listed Buildings and Conservation Areas) (Scotland) Act 1997:
12 Crichton Street, Millport, Isle of Cumbrae, KA28 0ET



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