



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

## Planning Committee

A meeting of the **Planning Committee** of North Ayrshire Council will be held remotely on **Wednesday, 19 May 2021** at **14:00** to consider the undernoted business.

### Arrangements in Terms of COVID-19

In light of the current COVID-19 pandemic, this meeting will be held remotely in accordance with the provisions of the Local Government (Scotland) Act 2003. Where possible, the meeting will be live-streamed and available to view at <https://north-ayrshire.public-i.tv/core/portal/home>. In the event that live-streaming is not possible, a recording of the meeting will instead be available to view at this location.

#### 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 accuracy of the Minutes of meeting of the Committee held on (i) 24 March 2021 (ii) 29 March 2021 (iii) 28 April 2021 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

#### 3 **Three Towns**

Submit reports on the following applications:

##### 3.1 **21/00228/PP: Ardeer Primary School, Clark Crescent, Stevenston, KA20 3LZ**

Change of use of open space to extend school grounds (copy enclosed).

- 3.2 21/00233/PP: 16-18 Dockhead Street, Saltcoats, KA21 5EG**  
Change of use of rear area to beer garden with formation of external seating area and erection of 2.5m high palisade fence to rear including removal of Condition 1 of 06/00401/PP (copy enclosed).
- 4 North Coast and Cumbraes**  
Submit reports on the following applications:
- 4.1 21/00159/PP: Site To South East Of Hunterston B Power Station West Kilbride**  
Erection of 132kV substation, including detailed siting, design, external appearance, landscaping and means of access (copy enclosed).
- 4.2 21/00324/PP: 45 Stuart Street, Millport, Ayrshire KA28 0AG**  
Change of use from Class 1 (Retail) to Class 2 (Office and Professional) (copy enclosed).
- 5 Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9, 11 And 13 Townhead Street, Stevenston, KA20 3AQ**  
Submit a report by the Chief Planning Officer to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of land for the abatement of the adverse impact on the local area (copy enclosed).
- 6 Urgent Items**  
Any other items which the Chair considers to be urgent.

### **Webcasting - Virtual Meeting**

Please note: this meeting may be recorded/live-streamed to the Council's internet site, where it will be capable of repeated viewing. At the start of the meeting, the Provost/Chair will confirm if all or part of the meeting is being recorded/live-streamed.

You should be aware that the Council is a Data Controller under the Data Protection Act 2018. Data collected during the webcast will be retained in accordance with the Council's published policy, including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

If you are participating in this meeting by invitation, you are consenting to being filmed and consenting to the use and storage of those images and sound recordings and any information pertaining to you contained in the them live-streaming/recording or training purposes and for the purpose of keeping historical records and making those records available to the public. If you do not wish to participate in a recording, you should leave the 'virtual meeting'. This will constitute your revocation of consent.

If you have any queries regarding this, please contact [dataprotectionofficer@north-ayrshire.gov.uk](mailto:dataprotectionofficer@north-ayrshire.gov.uk).

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## Planning Committee Sederunt

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Tom Marshall (Chair)  
Timothy Billings (Vice-Chair)  
Robert Barr  
Ian Clarkson  
Robert Foster  
Christina Larsen  
Shaun Macaulay  
Ellen McMaster  
Ronnie McNicol  
Donald Reid

Chair:

Apologies:

Attending:

**Planning Committee  
24 March 2021**

Agenda Item 2

At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

**In Attendance**

J. Miller, Chief Planning Officer, L. Dempster, Technician, K. Gee, Technician (Planning); A. Craig, Senior Manager (Legal Services); and E. Gray and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance**

R. Cowieson, L. Kay, P. Chandler (Friends of Millstone Point); P. Hawdon (Scottish Salmon Company); T. Wheeler and C. Horner (Arcus Consultancy).

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the meeting of the Planning Committee held on 25 February 2021 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. 19/00609/PPM: Site To East Of Millstone Point Lochranza Brodick Isle Of Arran**

The Scottish Salmon Company have applied for planning permission for the installation and operation of an Atlantic Salmon Fish Farm comprising 12 x 120m circumference fish pens and an accompanying feed barge at the site to the East of Millstone Point, Lochranza, Isle of Arran. 436 objections and 19 comments of support were received and summarised in the report.

Mr Cowieson, accompanied by Mr Chandler and Ms Kay representing Friends of Millstone Point, addressed the Committee in support of the objections. Mr Cowieson advised of the main concern, namely the impact on the landscape, as the proposed location was wild, unspoilt and tranquil, with spectacular views and, with no road access, enjoyed a feeling of remoteness. The coast in this area has thousands of visitors each year being part of the Arran Coastal Way with the area sitting within a designated National Scenic Area (NSA), a location of exceptional beauty to be held

unspoilt in the Scottish national interest. The boundary of the NSA extends beyond the shoreline.

Mr Cowieson highlighted that the proposal was the equivalent of 8 football pitches in length only 200 yards from shore and referred to the problems encountered with fish farms, such as noise, visual impact, lights, pollution and the toxic chemicals used to control disease and parasite infestation. The overall impact would be a large amount of fish waste, scales, feed and chemicals pushed directly towards the shoreline when the wind blew from the east, which would have serious consequences for locals and tourists. Mr Cowieson referred to Nature Scotland's objection, the Carradale North salmon farm escape last year, and the likely impacts on the local economy on Arran with tourism generating some £60m to the island economy. Local employment is supported which is a good example of community wealth building.

Mr Wheeler and Ms Horner of Arcus Consulting, and Ms Hawdon of The Scottish Salmon Company, then addressed the Committee on behalf of the applicant, in response to the objectors.

Mr Wheeler referred to the Planning Officer's report which covered the issues the application raised, such as potential effects on the marine environment, smell and noise. The report stated that none of these matters created issues which should lead to a refusal of planning permission, and this conclusion was supported by SEPA and Marine Scotland. Through appropriate consultation with SSC, SEPA and Marine Scotland agreeable solutions had been identified and presented in support of the proposed development. The development would provide significant economic benefits to Arran with the recruitment of 6 full time members of staff, support 31 jobs in the supply chain and 6 wider jobs in Scotland with a gross added value of just under £6 million a year. Mr Wheeler advised that it had been suggested there could be adverse effects on tourism but there was no proven link between salmon farms and negative effects on tourist numbers, they could be a point of interest to visitors. It was not anticipated that the development would discourage visitor numbers due to limited visual effects, but the applicant was happy to explore local engagement opportunities to support the development of the Coastal Path.

Mr Wheeler highlighted that the Planning Officer's report concluded there would be no conflict with Policy 8 of the Local Development Plan, which supported development that would have positive effects on the vitality, vibrancy and viability of the Island but that the visual impact would harm the National Scenic Area and the isolated coast.

Ms Horner referred to the siting of the development stating the landscape designations as a whole would not be significantly adversely affected, this would be restricted to the coast immediately adjacent to the development resulting in very localised landscape, seascape and visual effects. She advised that the Scottish Salmon Company currently had 12 fish farms located within a National Scenic Area in Scotland and 2 sites located within 1km of isolated coast, which illustrated that a development of this nature could be accommodated within a nationally designated landscape. Predicted visibility of the development was restricted to 1km inland and 5.5km stretch along the coastline. When considering Policy 15, the National Scenic Area would not be compromised in relation to the need to protect existing sports and

recreational interests. The development could be supported in terms of planning policy and would support economic recovery and offer employment opportunities.

The objectors then had an opportunity to make brief final comments. Mr Chandler advised that the area was the only National Scenic Area in Ayrshire and that within the National Marine Plan and Local Development Plan there had to be economic benefits of national significance for this type of development to go ahead. Mr Chandler advised we were in a biodiversity and climate crisis and that a green recovery was required following the Covid-19 pandemic.

Members then asked questions of the objectors and applicants' representatives in respect of effects on tourism, chemicals used and the effects on other sea life, predator controls, the jobs associated with the development, the wider economic benefits, the Carradale North salmon farm escape and measures in place to prevent this happening on Arran.

The Chief Planning Officer then outlined the terms of the planning report and planning officer's recommendation.

Councillor Foster, seconded by Councillor McMaster, moved to refuse the planning application on the grounds that (a) the visual impact of the development would adversely affect the visual amenity of the area, the landscape quality of the water environment and the special qualities of the National Scenic Area, (b) the proposal does not align with Scotland's National Marine Plan or the emerging Clyde Marine Plan and (c) any economic value is not considered significant enough to overcome the adverse effect. The proposal is therefore contrary to Strategic Policy 1, Policy 15, Policy 22, Policy 24, Policy 25, and Strategic Policy 2 of the LDP.

There being no amendment the motion was declared carried.

The Chair agreed that the meeting be adjourned at 4.00 p.m. for a comfort break. The meeting reconvened at 4.10 p.m. with the same Members and officers present and in attendance, with the exception of Cllr Foster.

#### **4.1 20/00942/PP: Site To South West Of Hunterston Coal Yard Fairlie Largs**

ESB Asset Development UK Ltd has applied for planning permission for the installation of a synchronous compensator and ancillary infrastructure at Hunterston Coal Yard, Fairlie. One objection was received and summarised in the report.

Councillor Marshall, seconded by Councillor McMaster, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That prior to the commencement of the development, details of the external finishes for the generator and flywheel building shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter proceed in accordance with any details as may be approved.
2. That prior to the commencement of the development, a Construction Management Plan, including details of routing of any abnormal loads, shall be submitted to the Council, as Planning Authority, for written approval. The development will thereafter proceed in accordance with any Plan as may be approved.
3. The development will be undertaken in accordance with the recommendations set out in Section 4.5 of the Extended Phase 1 Habitat Survey, prepared by Nevis Environmental dated September 2020, and submitted with this application.
4. That the Rating Noise level, as defined in BS 4142:2014+A1:2019, from the operation of the synchronous compensator and ancillary fixed plant must not exceed the background noise level at the curtilage of any noise sensitive premises existing or consented as of the date of the permission.

#### **4.2 21/00054/PP: 9 Brisbane Street Largs KA30 8QW**

MPB Structures Ltd has applied for planning permission for the demolition of an existing hotel building and erection of a new building comprising of 14 flatted dwellings with associated landscaping, car parking, cycle parking and bin/recycling store at 9 Brisbane Street, Largs. One objection and three letters of support were received and summarised in the report.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That prior to the commencement of the development hereby approved, full details of the proposed finishing external materials shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.
2. That prior to the commencement of the development hereby approved, full details of the proposed access and parking layout shall be submitted for the written approval of North Ayrshire Council as Planning Authority. These details shall include confirmation that:

- i) The aisle width of the parking area is to be a minimum of 6m;
- ii) Visibility splays of 2.5metres by 20 metres, in both directions, are provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles;
- iii) No surface water is to be issued from the site onto the public road;
- iv) Vehicular access to the site to is be provided in the form of a minor commercial access footway crossing as detailed in sections 5.2 & 10.8 (and Fig 10.18) of the Roads Development Guidelines (single minor commercial access or car park up to 50 spaces footway crossing)

Thereafter, the proposed access and parking arrangements, which may be approved, shall be completed to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt there shall be no means of direct access from the site to the trunk road either pedestrian or vehicular.

3. That prior to the first occupation of the flatted dwellinghouses, hereby approved, the landscaping shall be carried out in accordance with the approved landscaping plans. Thereafter, the landscaping shall be maintained in accordance with the Landscape Management Plan hereby approved to the satisfaction of North Ayrshire Council as Planning Authority.
4. That notwithstanding the location of the bin store on the plans hereby approved, the bin store shall be located to the rear (east) of the flatted building hereby approved. Prior to the commencement of the development the applicant shall submit plans showing the location and appearance of the relocated bin store for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That prior to the commencement of the development hereby approved, the applicant shall provide full details of the screen to be erected on the south facing third floor balcony for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall progress in accordance with such details as may be approved.

### **5.1 21/00036/PP: SSE Anaerobic Digestion Plant, Dalry, KA24 4JJ**

Barkip Biogas Ltd has applied for a section 42 application to remove condition 1 of planning permission 09/00444/PPM at SSE Anaerobic Digestion Plant, Dalry, KA24 4JJ. Six objections were received and summarised in the report.

Councillor McNicol, seconded by Councillor Barr, moved to grant the application.

There being no amendment the motion was declared carried.

## **6. Planning Enforcement Charter**

Submitted report by the Executive Director (Place) on the updated Planning Enforcement Charter, set out at Appendix 1 to the report.

The Chief Planning Officer highlighted a planning authority must keep the enforcement charter under review and must update and republish it every 2 years. North Ayrshire Council's planning enforcement charter was last reviewed and republished May 2019.

The Committee agreed to approve the updated Planning Enforcement Charter set out in Appendix 1 to the report.

## **7. Policy Guidance Note: Housing in the Countryside**

Submitted report by the Executive Director (Place) on the Draft Policy Guidance Note on Housing in the Countryside, set out at Appendix 1 to the report.

The Chief Planning Officer highlighted the document provided guidance to developers and applicants on the relevant Local Development Plan policies and matters that should be considered when approaching an application for the development of one or more houses in the countryside. The guidance note may also be referenced by Planning Officers when assessing the merit of an application for housing in the countryside and would be a material consideration in decision making.

The Chief Planning Officer undertook to add the Locality Partnerships into the consultation process.

The Committee agreed to (a) note the detail of the proposed guidance relating to Housing in the Countryside; and (b) approve the Draft Housing in the Countryside policy guidance note, set out at Appendix 1 to the report, for consultation.

The meeting ended at 5.00 p.m.

**Planning Committee  
29 March 2021**

Agenda Item 2

At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

**Also Present**

Ian Murdoch

**In Attendance**

J. Miller, Chief Planning Officer, K. Gee, Technician (Planning); A. Craig, Senior Manager (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Also in Attendance**

H. Boyle, M. Grosvenor (Skelmorlie Community Council); F. Campbell (Burcote Wind); C. Wicks (ERG); and S. Winter (Hirst Planning).

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. 20/00248/PPM: Site To East Of Fardens Skelmorlie Ayrshire**

Righill Wind Farm Ltd have applied for planning permission for the erection of 10 wind turbines with a maximum blade tip height of 149.9m with associated access and infrastructure at the site to East of Fardens, Skelmorlie. 186 objections and 39 comments of support were received and summarised in the report.

Ms Boyle and Mr Grovesnor representing Skelmorlie Community Council and Councillor Murdoch addressed the Committee in support of the objections.

Ms Boyle provided background information on the proposed site and the surrounding area highlighting nearby caravan park, the nursing homes within Skelmorlie, SSSI Site, Wild Land on the moors and the Roma fortlet. She asserted that the ultrasound low frequency noise would be unbearable and a health hazard to the Village and surrounding areas, standing in Muirshiel Regional Park, which was the only untouched land in North Ayrshire.

Mr Grovesnor advised he worked closely with Dr Yeland and Professor Alves-Pereira, experts in wind farm noise and infrasound and read out a statement they provided. The applicant's position statement advised that low frequency noise and

infrasound associated with wind turbines were below the level at which adverse health impacts occurred but, he advised, this ignored an abundance of evidence to show otherwise. Infrasound and low frequency noise had been an issue of public health for several decades and the infrasound emitted by wind turbines was in no way comparable to that which existed in the natural environment. Health Protection Scotland claimed there was no evidence of harm but this was contradicted by the WHO 2018 report. Mr Grovesnor also referred to Environmental Health officer comments and Skelmorlie Community Council objections in respect of the application.

Councillor Murdoch advised his main concern was for his constituents and the local environment and asserted that an alarming amount of concern around the proposed development had not been alleviated by the offer of community benefits. North Ayrshire Council had declared a climate emergency which would support clean energy generation however there were no operational turbines of this size in the UK. Councillor Murdoch advised that there were no operational turbines higher than 125m to blade tip or 2.5 to 3MW maximum and 4.2MW turbines would be the largest onshore turbines ever installed. He suggested that turbines of this size and output should be placed far away from populated areas and should be considered for offshore installation. The proposed development was around 1km from Skelmorlie, but the setback distance should be much greater than the proposed distance for turbines of this size. There was concern about the health effects of audible and inaudible noise, particularly from infrasound and traffic safety concerns. He advised the proposed development did not comply with the Local Development Plan and was within the Muirshiel Regional Park.

Mr Campbell of Burcote Wind then addressed the Committee on behalf of the applicant, in response to the objectors.

Mr Campbell gave some background information on ERG Ltd who have been operating in the energy sector for almost 80 years, actively contributing to the fight against climate change by investing in green energy, with over 250MW under construction in the UK. He advised that Righill Wind farm was the right development in the right place and would generate the equivalent to power almost 35,000 average households each year, roughly half of the households in North Ayrshire. The carbon payback period was estimated to be 1.4 years when compared to traditional carbon-based generation. Mr Campbell advised that nationally and locally we were transitioning to net zero emissions to benefit the environment, with North Ayrshire Council's target of achieving net zero carbon emissions by 2030. Renewable energy development would have a significant role to play in meeting climate change objectives, with wind energy development being the most cost-effective renewable energy technology. He advised there had been extensive engagement with the local community and there was strong evidence of support. A local procurement policy would be created to offer local contractors a 5% price advantage when tendering for contracts related to the wind farm and community ownership programmes also being explored to invest in the wind farm and share in the profits and returns. He also highlighted that the National Planning Framework and Local Development Plan both predated the climate change emergency declared by North Ayrshire Council.

He contended that in terms of the Reasons for Refusal, SP2 was not relevant, the proposal accords with Policy 29 and that the Landscape Capacity Study was too strategic to support the reasons for refusal.

The objectors then had an opportunity to make brief final comments. Mr Grovesnor advised that the research undertaken for the applicant was not suitable or supported by facts. Councillor Murdoch also highlighted that there were no operational turbines of 4.2MW or above in the United Kingdom.

Members then asked questions of the objectors and applicants' representatives in respect of public support, nearest residential properties to the proposed site, community benefits, transport management plan, impact of noise and infrasound.

The Chair agreed that the meeting be adjourned at 3.15 p.m. for a comfort break. The meeting reconvened at 3.30 p.m. with the same Members and officers present and in attendance.

The Chief Planning Officer then outlined the terms of the planning report and planning officer's recommendation.

Members asked questions and were provided further information in relation to Environmental Health comments on noise, landscape impact, shadow flicker and the Scottish Government Planning Policy on wind farms. Members were also advised that community benefit is not a material consideration for the planning determination process.

Councillor Foster, seconded by Councillor Barr, moved to refuse the planning application for the reasons set out in the officer's report.

There being no amendment the motion was declared carried.

The meeting ended at 4.25 p.m.



**Planning Committee**  
**29 April 2021**

Agenda Item 2

At a Special Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m. involving participation by remote electronic means.

**Present**

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Christina Larsen, Shaun Macaulay, Ronnie McNicol and Donald Reid.

**In Attendance**

J. Miller, Chief Planning Officer, L. Dempster, Technician (Planning); A. Craig, Senior Manager (Legal Services); and A. Little and H. Clancy, Committee Services Officers (Chief Executive's Service).

**Apologies**

Robert Foster and Ellen McMaster

**Chair**

Councillor Marshall in the Chair.

**1. Declarations of Interest**

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

**2. Ardrossan North Shore Development Framework**

Submitted report by the Executive Director (Place) on the development of the Ardrossan North Shore Framework. The Framework was set out at Appendix 1 and comments received from the consultation set out at Appendix 2 to the report.

The Chief Planning Officer highlighted the Framework would inform the detailed proposals and be a material consideration in the determination of future planning applications for the site if approved. The framework was developed through analysis of how the Council's aspirations for the regeneration of the site could best be accommodated, technical information and cost.

Members asked questions and were provided with further information in relation to: -

- 20mph speed limit in the surrounding areas;
- coastal path currently used and fencing of the area;
- the Marina service area in proportion to the rest of the site; and
- depth of soil samples undertaken, soil material removed from the site, height of the site, and materials that may be imported or exported from the site during the remediation.

Councillor Marshall, seconded by Councillor Macauley, moved to approve the Ardrossan North Shore Development Framework.

Councillor McNicol, seconded by Councillor Barr, moved to not approve the Ardrossan North Shore Development Framework.

On a division and a roll call vote, there voted for the amendment, Councillors Barr and McNicol (2) and for the motion, Councillors Billings, Clarkson, Larsen, Macauley, Reid and Marshall (6), and the motion was declared carried.

Accordingly, the Committee agreed to approve the Ardrossan North Shore Development Framework as set out at Appendix 1.

### **3. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: Kirkleegreen Reservoir, Beith**

Submitted a report by the Chief Planning Officer to serve a notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the clearance of all fly-tipped materials on the land for the abatement of the adverse impacts on the amenity of the local area at Kirkleegreen Reservoir, Beith.

The Chief Planning Officer advised the Committee an area of land beside the public road adjacent to Kirkleegreen Reservoir near Beith had been blighted by fly-tipping incidents involving a variety of construction waste and other bulky items such as scrap metal. Contact had been made with the owner to request the removal of all waste materials from the land and disposal to a licensed waste or recycling facility. To date, the land had not been satisfactorily cleared of the waste and the condition was harming the amenity of the rural area at Kirkleegreen Reservoir.

The Committee unanimously agreed to grant authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to improve and safeguard the amenity of the area at Kirkleegreen Reservoir, Beith.

### **4 21/00214/PP: Blairland Farm, Dalry KA24 4EJ**

The Blair Trust Co Ltd have applied for a Section 42 planning application to vary conditions 1, 2, 3, 4 and 5 of planning permission in principle ref. 15/00103/PPPM as amended by planning permission ref. 18/00328/PPM. 4 objections were received and summarised in the report.

Councillor Marshall, seconded by Councillor Barr, moved to grant the application subject to conditions.

There being no amendment the motion was declared carried.

Accordingly, the Committee agreed to grant the application subject to the following conditions:

1. That, along with the first application for the approval of matters specified in conditions- (MSC), further intrusive site investigations shall be undertaken to establish the location and condition of the recorded mine entries, the results of which shall inform the layout of the detailed masterplan required by Condition 5 and any subsequent remediation works which may be required. Confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that the required site investigations and any subsequent remedial works have been undertaken.
2. That, along with the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, along with the first application for the approval of matters specified in conditions (MSC), a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", (November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 5, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt:
  - there shall be no drainage connections to the trunk road drainage system;
  - all foul water arising from the development must be collected and diverted away from operational railway land;
  - all surface water arising from the development must be collected and discharged no closer than 10 metres from operational railway land; and,
  - the SuDS scheme shall not be sited within 10 metres of railway infrastructure.Thereafter, the scheme as may be approved shall be implemented during the course of development (taking phasing into account) and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, along with the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 5. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200-year functional floodplain.

5. That, along with the first application for the approval of matters specified in conditions (MSC), a development brief together with a masterplan for the site shall be submitted for the approval of North Ayrshire Council as Planning Authority. The brief and masterplan shall take into account the findings of the further intrusive site investigations, archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2, 3 and 4 respectively. The development brief and associated masterplan shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter, the details contained in the MSC application(s) shall accord with the development brief and masterplan as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That application(s) for the approval of matters specified in conditions (MSC) shall include a scheme of mitigation measures for the design and construction of the houses to ensure that the noise levels at each plot shall not exceed the following:
  - (a) Daytime external level, 50-55dB LAeq 16hrs (0700-2300);
  - (b) Night time internal level, 30dB LAeq 8hrs (2300-0700); and
  - (c) Night time internal level, 45dB LA Max (2300-0700).Thereafter, the development shall be implemented only in accordance with the approved scheme of noise mitigation measures unless North Ayrshire Council as Planning Authority gives written consent to any variation.
7. That, prior to the commencement of the development hereby approved, the developer shall implement the recommendations contained within the "Preliminary Geo-Environmental Risk Assessment including Coal Mining Risk Assessment Report" dated March 2014 by Waterman (document reference EED14275-100-R-1-2-1-JLD-PERA) and also the recommendations contained within the "Preliminary Slag Analysis Report" by Waterman dated 7th July 2014 (document reference EED14275-100-C-001-SC-HW) in order to assess the likelihood of any ground contamination present at the site. Remediation proposals shall also be presented to North Ayrshire Council as Planning Authority in relation to any significant findings. All documentation shall meet BS 10175:2011 and shall be verified by a suitably qualified environmental consultant. Thereafter, the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with a remediation scheme to be agreed in writing with North Ayrshire Council as Planning Authority. On completion of the proposed works, written verification, detailing what was done by way of any remediation, shall also be submitted to North Ayrshire Council as Planning Authority.
8. That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on

road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.

9. That prior to the commencement of the development hereby approved, the developer shall submit a 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.
10. That prior to the commencement of the development hereby approved, the developer shall submit details of the lighting within the site for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.
11. That prior to the commencement of the development hereby approved, the developer shall submit details of the landscaping treatment along the boundary with the A737 Dalry bypass trunk road for the written approval of North Ayrshire Council as Planning Authority, after consultation with Transport Scotland.
12. That, prior to the occupation of any dwellings within the development, a barrier/boundary feature of a type to be approved in writing by North Ayrshire Council as Planning Authority in consultation with Transport Scotland shall be erected and maintained along the proposed boundary of the site with the A737 Dalry Bypass trunk road. In addition, the developer shall provide a suitable trespass proof fence adjacent to Network Rail's boundary, which shall include provision for access to facilitate future maintenance and renewal.
13. That the recommendations of the "Bat Survey Report" (ref. EED14275-100-R-2-2-1) and "Preliminary Ecological Survey" (ref. EED14275-100\_R\_1\_1\_2\_WE) by Waterman shall be taken into account during the MSC stage and implemented during the course of the development to the satisfaction of North Ayrshire Council as Planning Authority.
14. That the development shall initially be limited to a maximum of 25 house completions per annum unless otherwise agreed in writing between the developer and North Ayrshire Council as Planning Authority. Thereafter, at 2 yearly intervals following the commencement of the development until its completion, a review of the build rate shall be undertaken by the developer to consider new house completions, new house sales and local primary school capacity. Each review shall propose the number of houses that can be completed during the following 2 year period (at a rate of not less than 25 units per annum), and shall be submitted for the consideration and written approval of North Ayrshire Council as Planning Authority.

The meeting ended at 3.10 p.m.



## NORTH AYRSHIRE COUNCIL

19th May 2021

### Planning Committee

Locality	Three Towns
Reference	21/00228/PP
Application Registered	12th March 2021
Decision Due	12th May 2021
Ward	Saltcoats And Stevenston

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	Ardeer Primary School Clark Crescent Stevenston Ayrshire KA20 3LZ
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<b>Applicant</b>	North Ayrshire Council Fao Mrs Gillian Seaman
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<b>Proposal</b>	Change of use of open space to extend school grounds
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### 1. Description

Permission is sought for the change of use of open space to school grounds. The area of open space is approx. 8000sqm in area. It sits immediately to the south of Ardeer Primary School which has grounds some 5830sqm in area including the school buildings but not including the janitor's house. The existing external curtilage of the school is approx. 4515sqm in area.

The land would be used for outdoor play and learning associated with the school. It has been indicated that the north-western corner could be used for class allotment gardens. The extended area would also allow the existing curtilage to be used for storage, shelter, and an outdoor classroom. The proposals for the existing curtilage are not part of this application and such development would be permitted development within the existing curtilage. The extended area would be enclosed in a fence to match the existing boundary fence which is an approx. 1.4m high metal rail fence.

The land is on the western side of Clark Crescent. It currently forms part of the wider Stevenston Beach Park open space area, as identified by the adopted North Ayrshire Council Local Development Plan (LDP). The wider beach park is to the west and south. Ardeer Primary School is to the north and there are residential properties to the east across

Clark Crescent. The proposal requires to be assessed against Strategic Policy 2 and Policy 19: Developments Involving Open Space.

## **Relevant Development Plan Policies**

### **Strategic Policy 2**

#### **Placemaking**

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

#### **Six qualities of a successful place**

##### **Distinctive**

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

##### **Welcoming**

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

##### **Safe and Pleasant**

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

##### **Adaptable**

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

##### **Resource Efficient**

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes

consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 19 - Open Space Devs

##### Policy 19:

#### Developments Involving Open Space

Developments involving the loss of open space (excluding outdoor sports facilities) will only be supported where they accord with the Council's current Open Space Strategy and in the following exceptional circumstances:

- o the open space is:
- o of limited amenity and/or recreational value (not as a result of neglect or poor maintenance) and does not form part of a recognised upgrading/ improvement scheme or strategy; or
- o a minor part of a larger area of functional open space and the development would not harm or undermine the function of the main site; or
- o a minor part of the wider provision of open space and its loss would not result in a significant deficiency of open space provision within the immediate area; or
- o the development would result in
- o a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other local open space; or
- o significant benefits to the wider community which outweigh the loss of open space.

## 2. Consultations and Representations

Neighbour notification was carried out. Two objections were received which can be summarised as follows.

1. Views from properties on the east side of Clark Crescent have views towards Arran and these should not be blocked. On that basis, further details of the fence and log cabin are requested.

*Response: Views are not a material planning consideration. Notwithstanding, the fence is proposed to match the existing. A condition could be attached to any permission requiring details of the fence to be confirmed. The log cabin does not form part of this application. It has been indicated that a 'temporary shelter/outdoor classroom' is proposed for the existing curtilage, which would be a matter for NAC Education.*

2. The drop off area for vehicles on Clark Crescent is too small and should be extended.

*Response: The extension of the grounds will not increase the roll of the school and as such it is not considered that there are any access issues arising from the proposal. Notwithstanding NAC Education has been made aware of the comments.*

*The Deputy Head of the School has been in touch with the objectors and discussed the issues. The Depute Head confirmed that the fence would not impinge on the drop off area and that with a height of approx. 1.4m it would not impact on residents. The cabin would be on existing school grounds and would not obstruct the objector's view.*

**Stevenston Community Council (SCC)** - object as the proposal will impact on the future use of the site. Part of the proposed area used to be a football pitch. SCC would wish to see the current pitch, on the east side of Shore Road returned to this area. The area incorporated into the School should be located further to the west, closer to the burn, to allow this area to be retained as a potential pitch. A suggested alternative area is submitted.

*Response: It is noted a football pitch had been laid out in this area but is not currently in use. However, it is also noted that the pitches at the Beach Park have been moved to the east side of Shore Road and there would be no loss of a sports pitch through this application.*

*NAC Education held a meeting with SCC following receipt of this objection. The proposed alternative site was considered but has been rejected. The area, subject of this application, will allow the School to run various sports, including provision of a football pitch of the same dimensions as had previously been on the west side of Clark Crescent. NAC Education met further with SCC.*

### **3. Analysis**

Policy 19 of the LDP states that development involving the loss of open space will only be supported in certain circumstances, which includes where the space is a minor part of a larger area of functional open space and the development would not undermine the function of the main site; or the development would result in significant benefits to the wider community which outweigh the loss of open space.

The proposal area is some 8000sqm (or 0.8ha) in area. It is part of the Stevenston Beach Park, which is some 333,000sqm (or 33.3ha) in area. This area does not include the allocated open space to the west of Stevenston Burn or the allocated open space to the east of the Beach Park. The application site is approx. 2.4% of the wider area of Beach Park. It is located at the northern end of the Beach Park and is immediately adjacent to the existing school grounds. The proposed use would increase the secure outdoor play and learning area for an existing primary school.

As stated above, there would be no loss of a sports pitch through this proposal. Notwithstanding, the extended area could be configured as a sports pitch with potential use for the community. Management of such a use would be a matter for NAC Education and any other relevant part of the Council. Pitches can be, and are, provided on the portion of the Beach Park to the east of Clark Crescent.

Given all the above, it is not considered that the development would undermine the function of the larger area of functional open space. It would result in a significant benefit to the wider

community by improving the function and facilities of the local primary school. As such the development accords with Policy 19 of the LDP.

The extension of the school grounds is not considered to give rise to any significant additional amenity impacts. The school roll would not be increased by the development and the properties on the east side of Clark Crescent are already in close proximity to the school grounds. The only external work proposed is the erection of a boundary fence to match the existing school boundary. Exact details of the fence could be controlled by condition. However, given the existing fence is an approx. 1.4m high metal rail fence, it is considered that the proposal would be acceptable in visual terms.

Given the above, the proposal is considered to accord with Strategic Policy 2 of the LDP, and subject to a condition confirming the details of the fence, planning permission can therefore be granted.

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

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That, prior to the commencement of the development, details of the boundary fence shall be submitted to the Council, as Planning Authority, for approval. Thereafter the development shall be implemented in accordance with such details as may be approved.

##### **Reason**

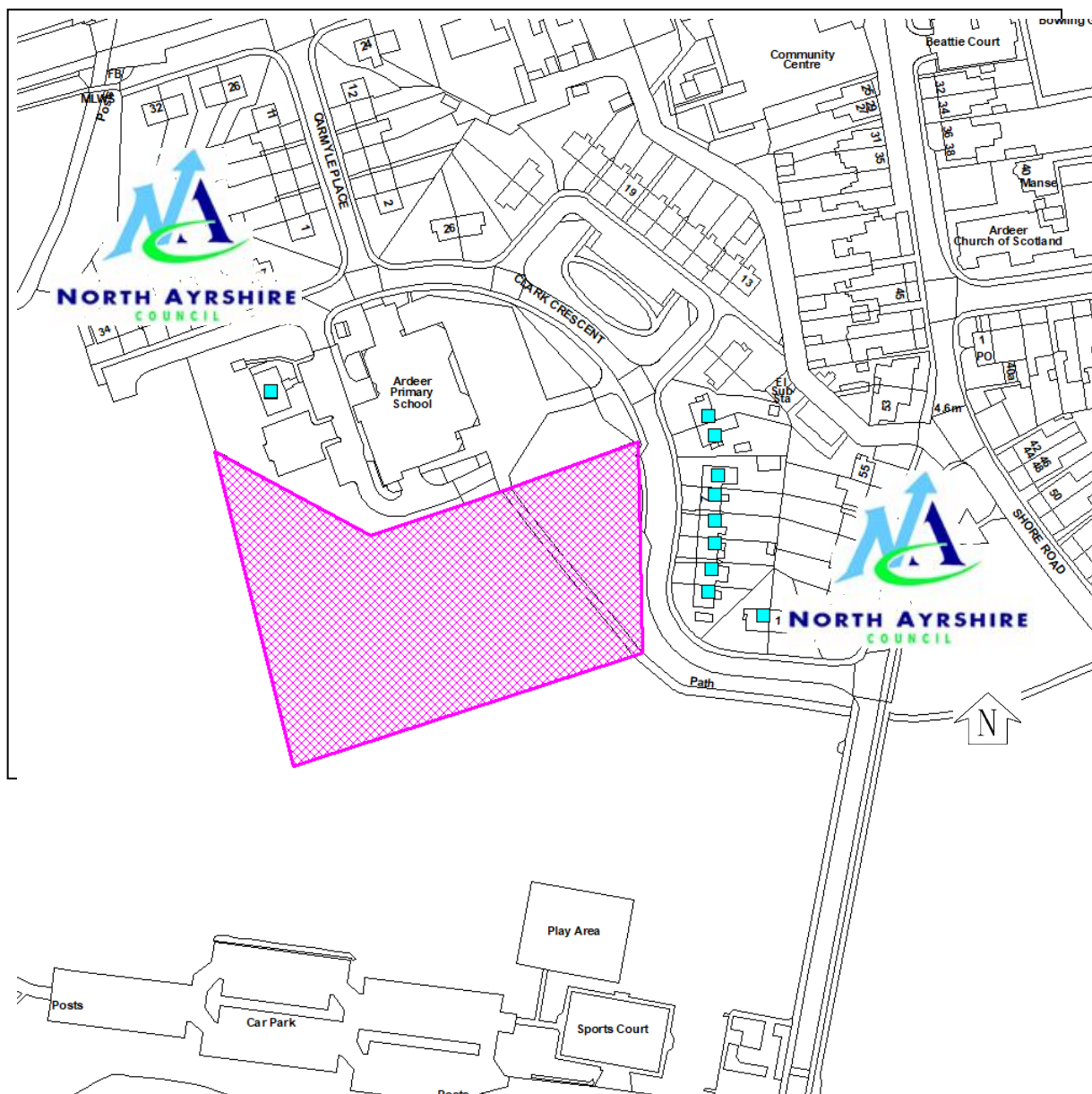
To ensure an appropriate boundary treatment in the interests of local amenity.

James Miller  
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**
**Planning Committee**

Locality	Three Towns
Reference	21/00233/PP
Application Registered	15th March 2021
Decision Due	15th May 2021
Ward	Saltcoats

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<b>Recommendation</b>	Approved subject to Conditions
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<b>Location</b>	16-18 Dockhead Street Saltcoats Ayrshire KA21 5EG
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<b>Applicant</b>	Mr Ewan McLaughlin
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<b>Proposal</b>	Change of use of rear area to beer garden with formation of external seating area and erection of 2.5m high palisade fence to rear including removal of Condition 1 of 06/00401/PP
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**1. Description**

Permission is sought for the use of an area to the rear of a public house as a beer garden associated with the public house. The public house is sited on the southern side of Dockhead Street. There are other commercial properties to either side on Dockhead Street with flatted properties above.

The application site is located between the rear (south) of the public house building and the north side of Dockhead Place. The application site is some 122sqm in area, including existing terrace. Seats for a maximum of 67 persons would be provided. The western boundary of the site is the blank wall of a rear extension of 20-24 Dockhead Place. To the east of the site is the rear yard of 5-11 Quay Street. Across Dockhead Place to the south at a distance of some 8m are the rear gardens of flats at 15 Quay Street and 1 and 3 The Braes. The rear elevations of those buildings are between some 18m and 28m distant.

The application site would be used for external seating. A 2.5m high palisade fence with a recessed gate would be erected on the southern boundary with Dockhead Place. An external covered terrace already exists within the site. The terrace was granted retrospectively (ref: 06/00401/PP) in 2006 for use as a terrace associated with the public

house. Condition 1 of that permission prohibited the use of the terrace for consumption of alcoholic drinks or other beverages. The application therefore also seeks to remove this condition.

In 2008 an application (ref: 08/00107/PP) to remove the restrictions on the 2006 permission was refused, as it was considered that the use of the terrace for consumption of drinks would have a significant impact in terms of noise and disturbance on neighbouring residential properties. The decision was upheld on appeal to the Scottish Government's Directorate for Planning and Environmental Appeals in January 2009.

It is understood the area has been used at points during the Covid emergency period for outdoor drinking. During 2020 the use of the area for consumption of drink was granted temporary licenses by the Council, as Licensing Authority. The Licensing Committee granted a permanent license for the use of the area in March 2021.

The site is identified in the Adopted North Ayrshire Council Local Development Plan (the LDP) as part of the town centre of Saltcoats. The proposal requires to be assessed against Strategic Policy 1: Towns and Villages Objective, Strategic Policy 2: Placemaking and Policy 3: Town Centres and Retail. The Scottish Government has provided advice in respect of development arising during the Covid period. The advice states that "in the main, the most appropriate, straightforward and efficient way planning authorities can allow for reasonable temporary changes is by informally relaxing planning controls; particularly by using their discretion not to take enforcement action against planning breaches that are acceptable in the current circumstances."

## **Relevant Development Plan Policies**

### **SP1 - Towns and Villages Objective** Towns and Villages Objective

Our towns and villages are where most of our homes, jobs, community facilities, shops and services are located. We want to continue to support our communities, businesses and protect our natural environment by directing new development to our towns and villages as shown in the Spatial Strategy. Within urban areas (within the settlement boundary), the LDP identifies town centre locations, employment locations and areas of open space. Most of the remaining area within settlements is shown as General Urban Area. Within the General Urban Area, proposals for residential development will accord with the development plan in principle, and applications will be assessed against the policies of the LDP. New non-residential proposals will be assessed against policies of this LDP that relate to the proposal.

In principle, we will support development proposals within our towns and villages that:

- a) Support the social and economic functions of our town centres by adopting a town centre first principle that directs major new development and investment to town centre locations as a priority including supporting town centre living.
- b) Provide the right new homes in the right places by working alongside the Local Housing Strategy to deliver choice and variety in the housing stock, protecting land for housing development to ensure we address housing need and demand within North Ayrshire and by supporting innovative approaches to improving the volume and speed of housing delivery.

- c) Generate new employment opportunities by identifying a flexible range of business, commercial and industrial areas to meet market demands including those that would support key sector development at Hunterston and i3, Irvine.
- d) Recognise the value of our built and natural environment by embedding placemaking into our decision-making.
- e) Prioritise the re-use of brownfield land over greenfield land by supporting a range of strategic developments that will deliver:
  - o regeneration of vacant and derelict land through its sustainable and productive re-use, particularly at Ardrossan North Shore, harbour and marina areas, Montgomerie Park (Irvine) and Lochshore (Kilbirnie).
  - o regeneration and conservation benefits, including securing the productive re-use of Stoneyholm Mill (Kilbirnie) and supporting the Millport Conservation Area Regeneration Scheme.
- f) Support the delivery of regional partnerships such as the Ayrshire Growth Deal in unlocking the economic potential of the Ayrshire region.

## Strategic Policy 2

### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

#### Six qualities of a successful place

##### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

##### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

##### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

### Detailed Policy 3 -Town Centres & Retail

#### Policy 3:

##### Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare

facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents
- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

## **2. Consultations and Representations**

Neighbour notification was carried out and the application advertised in the press. One objection has been received which can be summarised as follows:

1. Residents in Quay Street have been subject to excessive noise by users of the existing terrace. Increasing the number of potential users to 67 will cause even more noise. A 2.5m high fence will not subdue any noise.

*Response: Noted. NAC Environmental Health has reservations in respect of noise. The Licensing Authority has granted a permanent license.*

2. The proposal will affect the value of nearby residential properties.

*Response: House prices are not a material planning consideration.*

**NAC Environmental Health** - has reservations regarding these proposals in relation to excessive noise affecting occupiers of nearby noise sensitive properties. It is recommended that if permission is granted, it be done so in the first instance for a limited time to allow any complaints, should they arise, to be assessed.

*Response: Noted. Planning permission can be granted for temporary periods. Such a permission allows the Council, as Planning Authority, in consultation with Environmental Health to assess the appropriateness of granting permanent permissions.*

### **3. Analysis**

The Town and Country Objective of Strategic Policy 1 states that the Council will support the social and economic functions of town centres. Strategic Policy 2 states that proposals should respect the amenity of existing and future users in terms of factors including noise. Policy 3 states that appropriate development within town centres has the potential to improve their vitality and vibrancy. In principle support will be given to development which is of an appropriate scale for the town centre.

It is considered that the change of use, and associated removal of the planning condition, would support the operation of an existing town centre use and therefore support the social and economic function of Saltcoats town centre. The development is relatively small in scale being contained within an existing yard to the rear of the existing public house. As such it is considered the proposal accords with Strategic Policy 1 and Policy 3 of the LDP.

The proposed fence replaces an existing fence of similar design and would be viewed in the context of the rear of the commercial properties. A condition could be added to any permission requiring details of the fence to be provided and for it to be erected within 3 months of the date of any permission. As such it is considered the physical appearance of the fence is acceptable. The main issue is considered to be noise impact.

One objection has been received on the grounds that noise disturbance would occur which has also been raised within the consultation response from the Council's Environmental Health's regarding the potential for noise generation. The use of the terrace was last assessed, in planning terms, 12 years ago and it was found then to have potential for noise disturbance. Since that time, a permanent license for the use of the area as a beer garden has been granted by the Licensing Committee, and temporary Licences were issued in 2020, with the area in use as a beer garden between 15th July 2020 and 9th October 2020. The Council, as Planning Authority, has not received any complaints about the use during that period, and Environmental Health has not reported any complaints, albeit the use in the last year was for a temporary period. It should also be noted that Environmental Health has powers to take action against statutory nuisance regardless of the planning position.

On balance therefore, and given Environmental Health's recommendation, it is considered that a permission limited to 1 year, which would enable effective monitoring of any potential amenity impacts, could accord with Strategic Policy 2.

It is therefore recommended that planning permission be granted subject to conditions.

### **4. Full Recommendation**

Approved subject to Conditions

#### **Reasons for Decision**

##### **Condition**

1. That the use of the land hereby approved shall cease and all tables and chairs be removed by 20th May 2022, all to the satisfaction of North Ayrshire Council, as Planning Authority.

**Reason**

In recognition of the potential noise nuisance which could be generated by such a use and to allow the use to be re-assessed.

**Condition**

2. That full details of the fence and gate for the southern boundary shall be submitted to North Ayrshire Council, as Planning Authority. Any details as may be agreed shall be fully implemented within 3 months of the date of this decision, unless otherwise agreed in writing by North Ayrshire Council, as Planning Authority.

**Reason**

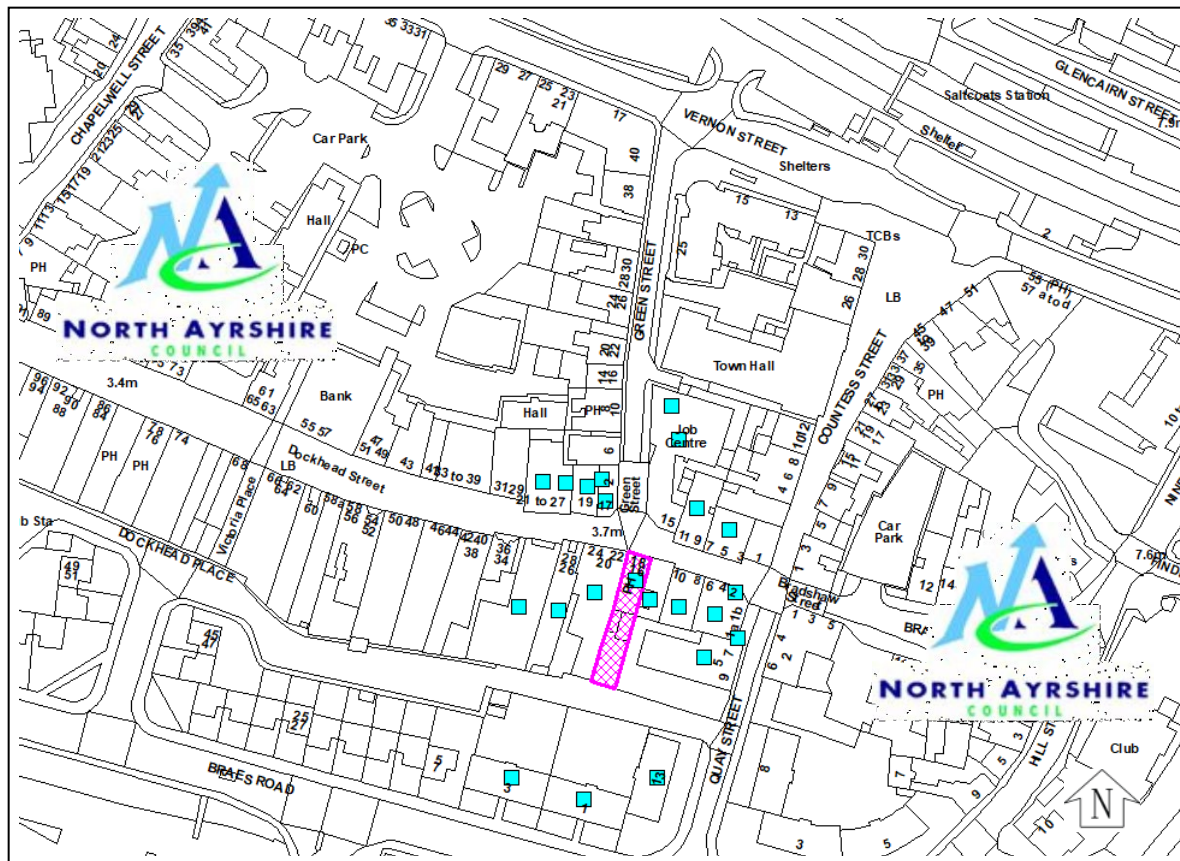
To ensure an appropriate boundary enclosure in the interests of the visual amenity of the area.

James Miller  
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**

19th May 2021

**Planning Committee**

Locality	North Coast and Cumbraes
Reference	21/00159/PP
Application Registered	15th March 2021
Decision Due	15th May 2021
Ward	Dalry And West Kilbride

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<b>Recommendation</b>	Approved with no Conditions
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<b>Location</b>	Site To South East Of Hunterston B Power Station West Kilbride Ayrshire
<b>Applicant</b>	Scottish Power Energy Networks Fao Mr Brendan Tinney
<b>Proposal</b>	Erection of 132kV substation, including detailed siting, design, external appearance, landscaping and means of access

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**1. Description**

Planning permission is sought for the erection of a 132kV substation including landscaping and means of access. Permission for the principle of a substation was granted 24th February 2017 (ref: 16/01053/PPP). The site is to the south-east of the Hunterston B Nuclear Power Station. Immediately to the north-west is an existing substation. The site is currently an area of hardstanding formed in association with a convertor station and substation (ref: 12/00643/MSCM) sited to the south of the proposed location.

The site is approx. 0.66ha in area. It would be accessed in the southern corner from an existing road within the convertor station complex. The substation building would be within the northern corner of the site with plant along the south-western boundary. The site would be enclosed by a 3m high security fence. The plant would be approx. 9.5m in height. The substation building which would have a footprint of some 400sqm, would be some 8m in height.

The proposal was subject to EIA Screening as part of the permission in principle application process and found not to require an EIA. The application has been supported by a Preliminary Ecological Appraisal and an Archaeology Impact Assessment.

The Preliminary Ecological Appraisal found that the principal habitat was the gravel hardstanding with some poor semi-improved grassland surround the hardstanding. There is some woodland and scrub on the borders. Neither any bat nor badger features were recorded on site. The woodland and scrub provide bird breeding opportunities and a barn owl nest box was recorded on a tree. Recommendations are made to minimise any impacts on protected species during construction.

The Archaeology Impact Assessment relates to the application site and a further area some 100m to the south. The Assessment states that due to previous ground disturbance, the application site has 'low to negligible' archaeological potential and does not recommend any mitigation measures. Recommendations are made for the southern area. However, this area does not form part of the planning application.

The application site is identified by the Local Development Plan adopted 2019 ("the LDP") as part of the Hunterston Development Area. It is identified as Countryside. The site and surrounding area have been developed as a convertor station, substation and associated infrastructure (ref. 12/00643/MSCM) and now form part of the wider Hunterston energy generation and supply uses.

It is considered that the relevant policies of the LDP are Strategic Policy 2: Placemaking, Strategic Policy 3: Hunterston Strategic Development Area and Policy 29: Energy Infrastructure Development.

## **Relevant Development Plan Policies**

SP3 Strategic Development Area 1: Hunt  
Strategic Development Area 1: Hunterston

Hunterston

We recognise the strategic national importance of Hunterston as an energy hub and deep water port. We strongly support the inclusion of Hunterston in the National Planning Framework 4. In particular we will support the following uses:

Hunterston Deep Water Port

- o Renewables generation, manufacture, maintenance, research and development, testing and training (including support for a renewables skills academy)
- o Strategic grid connections recognising its importance as a landfall to support the offshore renewable energy sector
- o Maritime construction and decommissioning (including oil and gas structures)
- o Bulk handling facilities for importing, processing and distributing all dry and bulk liquid cargoes
- o Local scale Bio-mass energy generation developments as per Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009
- o Other storage, processing and distribution uses and general light industrial activities where they would not undermine the strategic importance of, and unique assets of Hunterston as a deep water port.

Hunterston Nuclear

- o Appropriate development to support the operational life of the existing facility
- o Nuclear decommissioning and radioactive waste management from within the site
- o Other facilities for large and small scale power generation

#### Energy Sector & Nuclear Facilities

Hunterston provides a unique combination of energy generation, infrastructure and network accessibility.

The decommissioning of Hunterston A is ongoing and will be followed at some point after 2023 by the

decommissioning of Hunterston B. We want to support the retention of the high value jobs in the energy industry at Hunterston.

Hunterston is an area where co-ordinated action and a masterplanned approach is required. We would expect all development to take account of the special environmental and safety constraints of Hunterston including detailed transport studies to identify options for enhancing port/rail/road accessibility, and management of impact of uses on nearby communities and the natural and built heritage assets in the area.

#### Strategic Policy 2

##### Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

##### Six qualities of a successful place

##### Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

##### Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

##### Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

#### Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

#### Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

#### Detailed Policy 29 - Energy Infrastructure

##### Policy 29:

#### Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

#### Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

#### Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;

- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

#### Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

#### Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

## 2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. There have been no comments received. The following consultations were undertaken:

**Office for Nuclear Regulation** - no comments.

*Response: Noted.*

**NAC Active Travel and Transport** - No objections. It is suggested that Transport Scotland be consulted in relation to any matters relating to the access and junction from the A78.

*Response: Noted. There no proposed alterations in respect of the access and junction from the A78. As the proposal is more than 67m from the trunk road (it is approx. 1.6km distant) Transport Scotland would not wish to be consulted.*

**NAC Environmental Health** - No objections.

*Response: Noted.*

**West of Scotland Archaeology Service** - No objections and agree with the submitted assessment. A condition relating to the southern area is suggested.

*Response: Noted. However, the southern area, where archaeological mitigation may be required, does not form part of this application and therefore a condition is neither necessary nor relevant.*

**West Kilbride Community Council** - No comments.

*Response: Noted.*

### **3. Analysis**

Strategic Policy 3, in respect of Hunterston, recognises the strategic national importance of Hunterston and sets out the type of development which will be supported, which includes energy sector development. The Policy states that a masterplanned approach is required. To date a masterplan has not been submitted to the Council for approval. In the absence of a masterplan, development proposals require careful consideration in order to ensure the site is not sterilised for future development.

The proposal site is some 0.66ha in area which equates to roughly 0.5% of the Strategic Development Area, not including the areas identified as Hunterston Nuclear or Marketable Employment Land in the LDP. The proposal is for the installation of plant, relating to the energy sector, on an existing hardstanding associated with similar existing development. Therefore, despite the lack of a masterplan, it is considered the proposal accords with the identified suitable uses for the area and would not interfere with any wider development proposals.

Policy 29 of the LDP states that support will be given to energy infrastructure development where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors in this instance are considered to be impacts on residential amenity by way of noise, landscape and impact on trees and habitats.

Strategic Policy 2 of the LDP sets out the qualities of a successful place including the visual and amenity considerations for a development. The substation would be used to support the ongoing export of energy from Hunterston and connections to the National Grid. The development would be located adjacent to the existing Hunterston Converter Station and substation and would complement and facilitate the ongoing use of the site.

The nearest residential property is approx. 580m to the east over the northern shoulder of Campbellton Hill with woodland plantation in between. Environmental Health has no

objection to the application. The development would have a utilitarian appearance, as may be expected in an industrial area. It would be viewed only in the context of the existing electricity buildings and plant. As such it is not considered there would be any adverse visual impact from the development.

The development is for energy infrastructure. It is not considered that the development would have any unacceptable environmental impacts. The proposal therefore accords with Strategic Policy 2 and Policy 29 of the LDP. The proposal also accords with the aims of Strategic Policy 3 for the development of Hunterston. The lack of a masterplan for the wider site means that the proposal does not fully comply with Strategic Policy 3. However, given the other material considerations, including compliance with other policies, the scale and location of the proposal, that it will not lead to the neutralisation of the wider site for development, and the planning history, it is recommended that planning permission be granted.

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

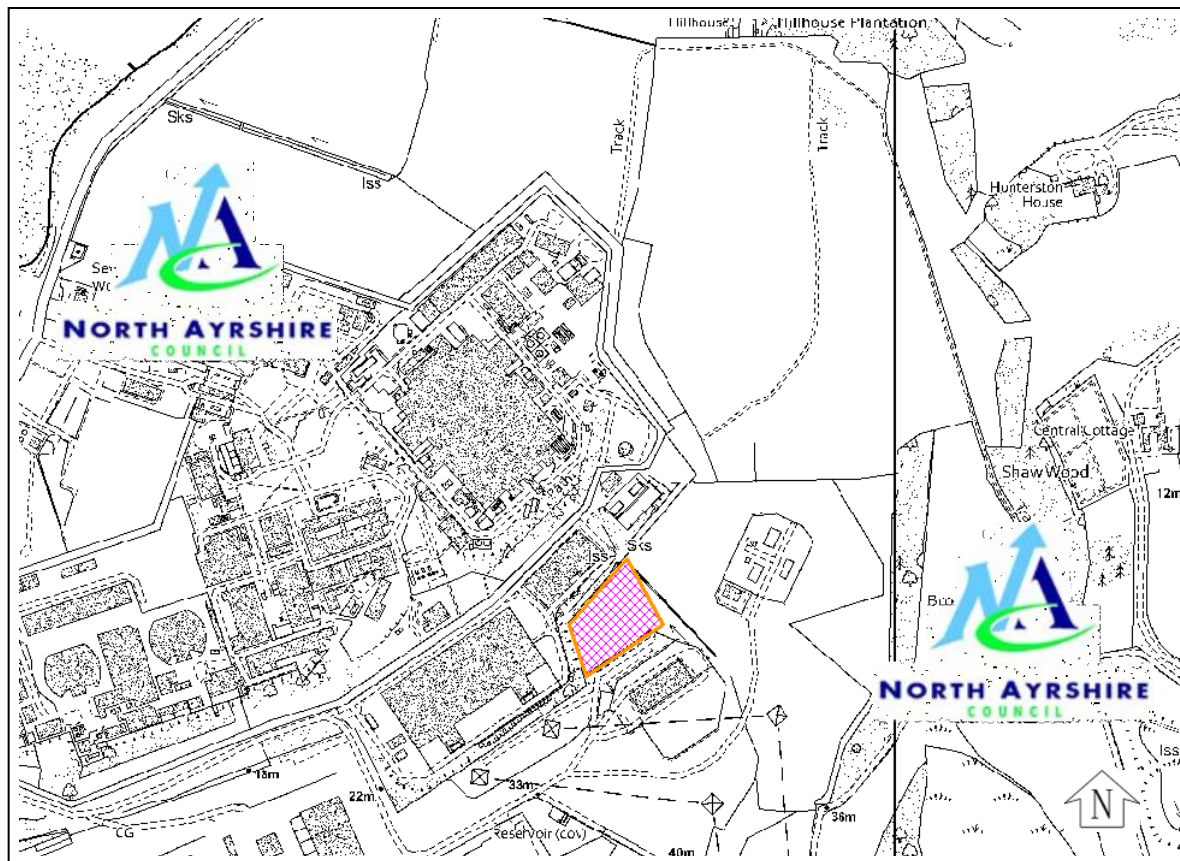
Approved with no Conditions

James Miller  
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

## Appendix 1 – Location Plan

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**NORTH AYRSHIRE COUNCIL**
**Planning Committee**

Locality	North Coast and Cumbraes
Reference	21/00324/PP
Application Registered	9th April 2021
Decision Due	9th June 2021
Ward	North Coast And Cumbraes

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<b>Recommendation</b>	Approved with no Conditions
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<b>Location</b>	45 Stuart Street Millport Ayrshire KA28 0AG
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<b>Applicant</b>	The Cumbrae Forum
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<b>Proposal</b>	Change of use from Class 1 (Retail) to Class 2 (Office and Professional)
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**1. Description**

The application property is a ground storey retail unit within a two-storey tenement building located on Stuart Street in Millport. The shop is currently used as a cycle/scooter hire shop. It features two display windows, an entrance door and fascia board. The building is finished in render and has a pitched roof finished in slate.

It is proposed to change the use of the unit from a Shop (Class 1) to an Office and Professional (Class 2) use class. The proposed use is as an office and advice centre for The Cumbrae Forum.

In the adopted Local Development Plan (LDP) the site lies within a Town Centre allocation and therefore Policy 3: Town Centres and Retail, applies to this proposal. In addition, all development proposals require to be assessed in terms of Strategic Policy 2: Placemaking. The site is located in Millport Conservation Area, however, as no building works are proposed it is not considered that Policy 9: Protecting and Enhancing our Conservation Areas, would apply. Likewise, as there is no built element to the change of use proposal, Policy 5: Shopfronts, Signs and Advertisements, would not apply.

Given the Covid-19 restrictions, a site visit was not undertaken. However, it is considered there is sufficient information to determine the application including that available through aerial photograph and streetview resources.

## **Relevant Development Plan Policies**

### **Strategic Policy 2**

#### **Placemaking**

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

#### **Six qualities of a successful place**

##### **Distinctive**

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

##### **Welcoming**

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

##### **Safe and Pleasant**

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The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

##### **Adaptable**

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

##### **Resource Efficient**

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

#### Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

### Detailed Policy 3 -Town Centres & Retail Policy 3:

#### Town Centres and Retail

Our town centres are the social and economic heart of our communities, providing jobs, homes and employment. Appropriate development within our town centres has the potential to improve their vitality and vibrancy. This can also ensure that investment in our communities is directed in a way that is most beneficial to residents, employees and visitors to our towns.

In principle, we will support development in our network of centres shown in schedule 6 where it would be of a scale appropriate to that centre.

For development that has the potential to generate significant footfall, we will support proposals that have adopted a town centre first sequential approach. This includes retail and commercial leisure uses, offices, community and cultural facilities and where appropriate, public buildings such as education and health facilities.

We will require that locations are considered, and a reasoned justification given for discounting them, in the order of preference:

- o Town centres (as defined in Strategic Policy 1).
- o Edge of town centres.
- o Other commercial centres (as defined above).
- o Out-of-centre locations that are, or can be made, easily accessible by a choice of transport modes.

We will be flexible and realistic in applying the sequential approach, in particular where key sector and employment uses are proposed, to ensure that different uses are developed in the most appropriate locations. It is important that community, education and healthcare facilities are located where they are easily accessible to the communities that they intend to serve. We recognise that for some uses, such as sports centres and schools, a town centre location may not always be the appropriate location for them, particularly where sports pitches are part of the proposal.

When a development is proposed within our Network of Centres, we will support proposals which positively contribute to:

- o The role and function of the centre within the network, including by addressing an identified opportunity.
- o Quality of character and identity that creates a shared sense of place for users, visitors and residents

- o Community well-being, including by supporting the integration of residential uses and by enhancing links with surrounding residential areas and tourist attractions via the road and path network with associated blue & green network.
- o Vitality, viability and vibrancy of the centre, supporting it as a place for business to locate, expand and flourish by enhancing and diversifying the mix of uses including supporting economic and social activity.
- o Our important retail streets/areas (as described in schedule 6 and in our Town Centre Audits), recognising the fragile nature of some of our retail areas.
- o Accessibility of the town centre including considering the location of regular rail and bus routes.

In principle, we will also support proposals which align with town centre strategies and we will continue to encourage other

regeneration initiatives, such as Conservation Area renewal projects, which improve the quality, accessibility and perception of town centre environments.

## **2. Consultations and Representations**

The standard neighbour notification was undertaken and there was no requirement to advertise the application. No letters of representation were received. No consultations were carried out as part of this application.

## **3. Analysis**

Policy 3: Town Centres and Retail of the LDP states that The Council will support development proposals within our network of centres which will positively contribute to the vitality, viability and vibrancy of the centre, supporting it as a place for local business to locate, expand and flourish by enhancing and diversifying the mix of uses, including supporting economic and social activity. The proposed change of use from a shop to an office would not have a significant impact on the functioning of Millport town centre. There are sufficient units available for retail purposes in the town centre. The proposed use, as an office and advice centre for The Cumbrae Forum, would have a positive impact on the range of services available in Millport town centre and would enhance social activity. It is considered that the proposed change of use would accord with Policy 3: Town Centres and Retail, of the LDP. The proposal would accord with the qualities of successful places as outlined by Strategic Policy 2: Placemaking.

There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted.

## **4. Full Recommendation**

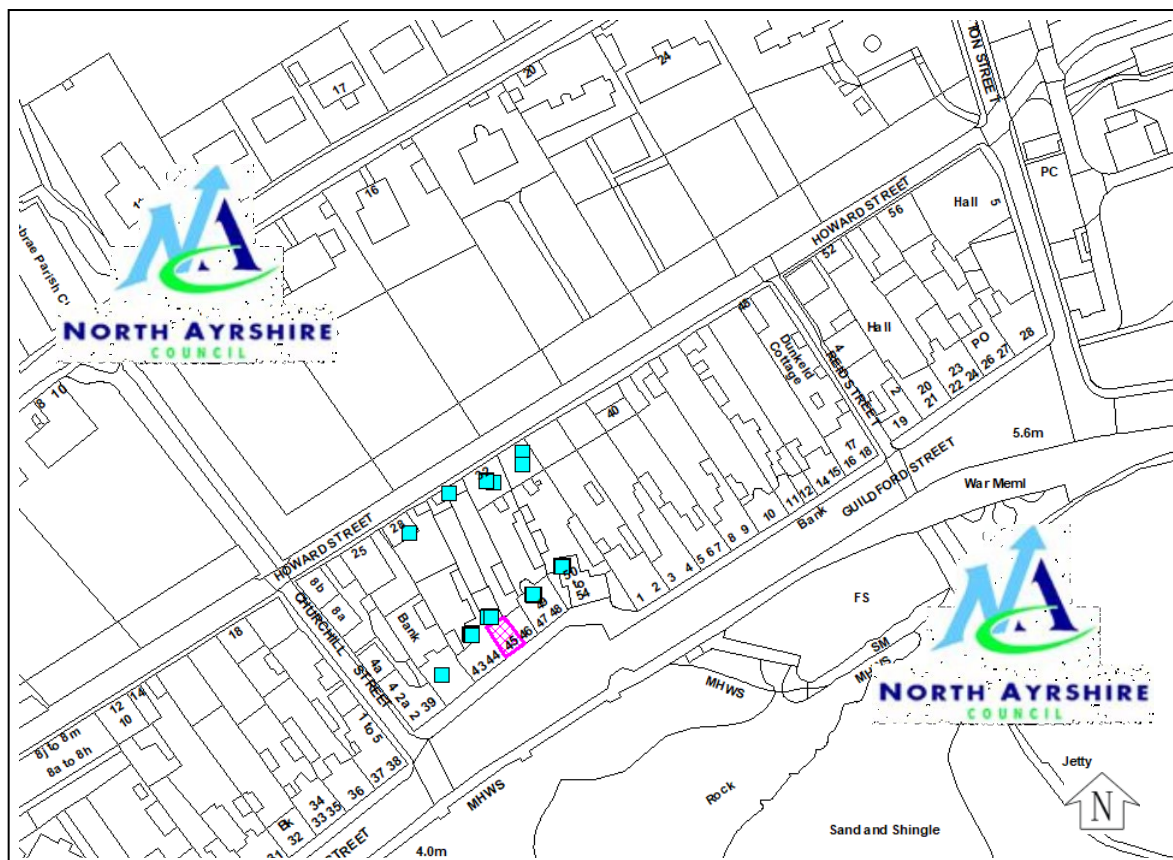
Approved with no Conditions

James Miller  
Chief Planning Officer

For further information please contact Mr John Mack on 01294 324794.

## Appendix 1 – Location Plan

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## NORTH AYRSHIRE COUNCIL

19<sup>th</sup> May 2021

### Planning Committee

<b>Title:</b>	<b>Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 9, 11 And 13 Townhead Street, Stevenston, KA20 3AQ (also known as Rankin's Bar)</b>
<b>Purpose:</b>	To seek approval to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proposed maintenance of land for the abatement of the adverse impact on the local area.
<b>Recommendation:</b>	That the Committee grants authority for the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to abate the adverse impact on the land on the local area.

## 1. Executive Summary

- 1.1 This report recommends the service of a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 ("Amenity Notice") in relation to the building and land at 9, 11 and 13 Townhead Street, Stevenston, also known as Rankin's Bar. An Amenity Notice allows the Council as Planning Authority to serve on the owner, lessee and occupier of the land, which is adversely affecting the amenity of any part of the area, a notice requiring steps to be taken to abate the adverse effect of the condition of the land.
- 1.2 The property is a two-storey building with a yard at the side (east) and rear (south). The property is currently unoccupied and has been since approx. 2014. Complaints have been received about the deposition of refuse within the yard and the broken windows in the building. The condition of the land is considered to have an adverse impact on amenity.

## 2. Background

- 2.1 The site is a vacant two storey building with public house on the ground floor and flat above. The building and yard comprise some 677sqm in area. The property is on the southern side of Townhead Street approx. 45m east of the junction with Afton Road and 22m west of the access road to houses to the south-east of the site. The land is identified in the Local Development Plan as part of the town centre of Stevenston.

- 2.2 The property is a prominent building at the entrance to Stevenston town centre from the east. It represents one of the last historic buildings on the old line of Townhead Street before it was widened and slightly re-aligned. The building is believed to date from the late 19<sup>th</sup> Century to early 20<sup>th</sup> Century. A public house appears is indicated in this location on the 1909 OS Map but not on the 1895 OS Map.
- 2.3 The property, particularly the public house been vacant since approx. 2014. It is not clear how long the upper floor has been vacant, but it is since at least February 2021. In October 2016, Planning received a complaint regarding dumping of refuse in the yard to the side of the property. It was cleared by the then owner. In 2019 the Council's Streetscene Environmental Enforcement Officers received complaints regarding dumping of refuse in the yard. It was again cleared.
- 2.4 Complaints about the condition of the yard and the building in general were received in February 2021. The yard to the side has again been subject to dumping of refuse. The windows on the upper floor of the property have been smashed. The owner was contacted in February, March and April 2021 and asked to remove the refuse from the yard and board the windows, there has not been any response to this correspondence. The refuse remains on site and the windows are uncovered. Streetscene is taking steps to remove refuse which appears to be on public land outwith the site.
- 2.5 Given the above, it is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land, which is in a prominent location on the entrance to the town centre, is causing harm to local amenity.

### **3. Proposals**

- 3.1 The condition of the land is having a significant adverse impact upon the amenity of the area. The site is at the entrance to the town centre, adjacent to and opposite residential properties and on a prominent main road at Stevenston town centre.
- 3.2 In the interest of the amenity of the area, it is recommended that Committee approves the serving of a Notice under Section 179 of the Town and Country planning (Scotland) Act 1997 requiring the following;
- (i) Remove all litter and refuse from the site;
  - (ii) Board all smashed or broken windows openings with exterior grade plywood or similar; and secure any open, but not smashed or broken, window openings.
- 3.3 It is proposed that the owner would be given 6 weeks from the date of any Notice taking effect in which to carry out the required works.

### **4. Implications/Socio-economic Duty**

#### **Financial**

- 4.1 The Council may seek to recover from the person(s) who was the then the owner or lessee any expenses reasonably incurred during the carrying out of direct action, if required, to remedy this harm to the local amenity.

## **Human Resources**

4.2 None

## **Legal**

4.3 The Notice can address complaints about the condition of the site. Complaints regarding safety and security cannot be addressed through this part of the Planning Acts.

## **Equality/Socio-economic**

4.4 None

## **Environmental and Sustainability**

4.5 None

## **Key Priorities**

4.6 The Amenity Notice supported the Council Plan priority - "Vibrant, welcoming, and attractive places.

## **Community Wealth Building**

4.7 None.

## **5. Consultation**

5.1 None

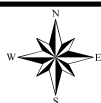
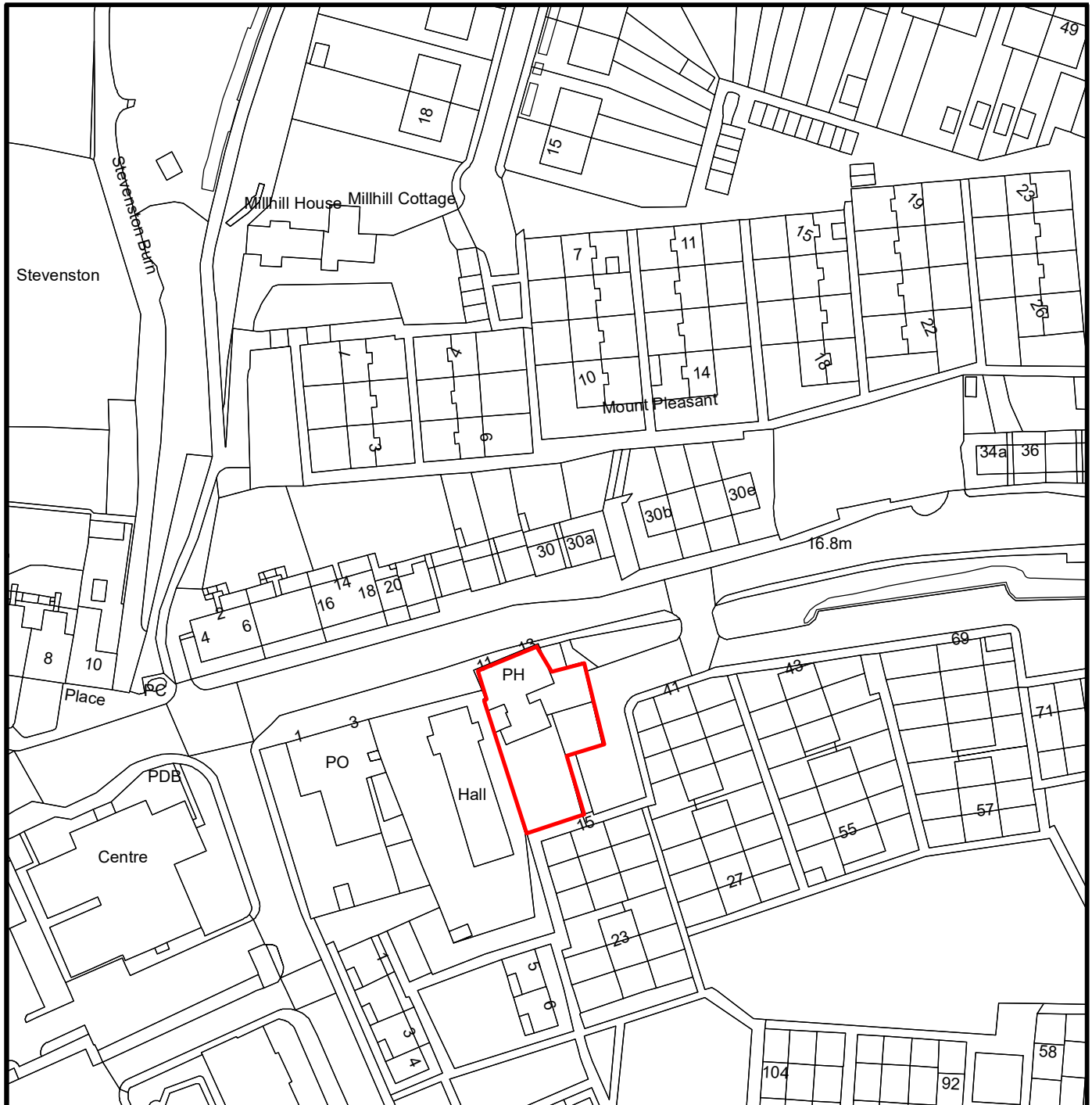
James Miller  
Chief Planning Officer

For further information please contact **Iain Davies, Senior Development Management Officer**, on **01294 324 320**.

## **Background Papers**

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**Notice under Section 179 of the Town and Country  
Planning (Scotland) Act 1997: 9, 11 And 13 Townhead Street,  
Stevenston, KA20 3AQ (also known as Rankin's Bar)**



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