



Cunninghame House,  
Irvine.

18 April 2013

### **Planning Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 24 APRIL 2013** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The Minutes of the previous meeting of the Planning Committee held on 13 March 2013 will be signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

**3. Ardrossan, Saltcoats and Stevenston**

Submit reports on the following applications:-

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

Extension to Ardrossan Marina, comprising new breakwater, marina facilities building, improved access arrangements, car parking and boat storage, a new pedestrian link bridge and a drop-off car park facility

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

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

(copies enclosed).

**4. Irvine/Kilwinning**

Submit report on the following application:-

**13/00184/ADC: Kilwinning: 3 Almswall Road**

Erection of two internally illuminated fascia signs to front and side of shop

(copy enclosed).

**5. North Coast and Cumbraes**

Submit report on the following application:-

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

Siting of static hot food kiosk

(copy enclosed).

**6. Urgent Items**

Any other items which the Chair considers to be urgent.

---

## Planning Committee

---

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

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
13 March 2013

**IRVINE, 13 March 2013** - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

**Present**

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

**In Attendance**

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

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

Ronnie McNicol and Jim Montgomerie.

**1. Declarations of Interest**

In terms of Standing Order 16, Councillor Cullinane, as a tenant of a property in Mariners View, declared an interest in Agenda Item 3.1: 11/00766/PPM: Ardrossan: Dock Road: Ardrossan Marina.

**2. Minutes**

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 20 February 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Ardrossan, Saltcoats and Stevenston**

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

Irvine Bay Developments Ltd, 43 Ardrossan Road, Saltcoats have applied for planning permission for an extension to Ardrossan Marina, comprising new breakwater, marina facilities building, improved access arrangements, car parking and boat storage, a new pedestrian link bridge and a drop-off car park facility at Ardrossan Marina, Dock Road, Ardrossan. 22 objections and one letter of representation have been received, as detailed in the report.

The Committee agreed (a) to continue consideration of the application to its next meeting to allow a site familiarisation visit to take place; and (b) that the Senior Planning Services Manager circulate to Members copies of the original and current masterplan documentation for the area prior to the site familiarisation visit.

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

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

The Committee agreed (a) to continue consideration of the application to its next meeting to allow a site familiarisation visit to take place; and (b) that the Senior Planning Services Manager circulate to Members copies of the original and current masterplan documentation for the area prior to the site familiarisation visit.

## **4. Garnock Valley**

### **13/00053/ADC: Kilbirnie: 1 Bridgend**

Kilbirnie Dental Surgery, c/o Allied Surveyors Scotland Plc, Herbert House, 30 Herbert Street, Glasgow have applied for retrospective planning permission for the erection of two halo lit signs to side elevations and two externally illuminated trough fascia signs to front of dental surgery at 1 Bridgend, Kilbirnie.

The Senior Planning Services Manager advised that this application had now been withdrawn.

## **5. Irvine/Kilwinning**

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

Open Reach, Rutland House, 5 Allan Road, Livingstone have applied for planning permission for the erection of a Telecoms Cabinet on a site to the south of 4 Castle Street, Irvine.

The Committee agreed to grant the application.

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

Irvine Bay Regeneration Company, 43 Ardrossan Road, Saltcoats have applied for planning permission for the installation of 2 stained glass windows, the erection of a weather vane and the replacement of a concrete crown stone with a sandstone crown stone at Trinity Church, Bridgegate, Irvine. One objection has been received, as detailed in the report.

The Committee, having considered the terms of the objection, agreed to grant the application subject to Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997.

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

Persimmon Homes Ltd, 180 Findochty Street, Garthamlock, Glasgow have applied for planning permission for the erection of 118 dwelling houses and associated works at a site to the west of Earlswood Wynd, Montgomerie Park, Irvine. 2 objections and one representation have been received, as detailed in the report.

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

1. That prior to the commencement of the development hereby approved, self certified details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to North Ayrshire Council as Planning Authority. Such self certification shall be given by a suitably qualified person. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

2. That prior to the commencement of development a scheme of landscaping, which shall include details of phasing, species, planting densities, soil treatment and aftercare (management and maintenance) and shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of the development shall be submitted to and approved by North Ayrshire Council as Planning Authority. Thereafter all planting, seeding or turfing within those approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings to which the landscaping best relates (as per the phasing details) or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

3. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the proposed equipped play area, and a scheme for the future management and maintenance of the play area. Such an approved play area shall be completed and available for use no later than the completion of 50% of the dwellings hereby approved, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

4. That prior to any tree felling taking place, such trees shall be surveyed for the presence of bats and a report, prepared by a suitably qualified person, shall be submitted for the written approval of North Ayrshire Council as Planning Authority detailing the findings of the survey and any measures required to be taken prior to the felling of the trees. Any recommendations shall be implemented all to the satisfaction of North Ayrshire Council as Planning Authority.

5. That all tree removal, ground and vegetation clearance works shall take place outwith the main bird breeding season, March - July inclusive, to the satisfaction of North Ayrshire Council as Planning Authority. Alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected until chicks have fledged.

6. That any works to or in proximity to trees shall be guided by an Arboricultural Impact Assessment and Arboricultural Method Statement, which shall be submitted to North Ayrshire Council as Planning Authority. Such documents should be used to guide the detailed design process.

7. The shared footpath connections, hereby approved, from the site to the wider footpath network shall be completed following the occupation of the buildings to which the routes best relate, such details shall be set out in a phasing plan. Prior to the commencement of the development, the phasing plan shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority, and thereafter shall not be varied, unless otherwise agreed in writing.

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



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

Sukh Dave Basra, 22 Macara Drive, Irvine has applied for planning permission for a sub-division of the existing shop to form a hot food take-away, including installation of a new shop front at 13 Lower Vennel, Bourtreehill South, Irvine. 8 individual objections and a petition containing 115 signatures have been received, as detailed in the report.

The Committee, having considered the terms of the objections and with Councillor Barr dissenting, agreed to grant the application subject to (i) no additional significant material objections being received by 15 March 2013; and (ii) the following conditions:-

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

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

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

Miss Toni Dawson, The Bean & Leaf, The Promenade, Largs has applied for planning permission for the formation of a new entrance canopy and terrace, the alteration of the existing ramp access and the replacement of the existing glazed screens with folding doors at that address.

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

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details/samples of the proposed treatment of the base course of the ramp/terrace.

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

SP Transmission, Prenton Way, Prenton, Merseyside have applied for planning permission for the erection of a convertor station and substation at Goldenbury Farm, Hunterston Estate, West Kilbride.

The Senior Planning Services Manager advised the Committee of representations which had been received from West Kilbride Community Council and Fairlie Community Council in connection with the application. He further advised that the grant of planning permission should be subject to an additional condition in relation to traffic movements to and from the site to reduce the impact of construction works on local communities and in the interest of road and pedestrian safety.

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

1. That the proposed route for any abnormal loads on the trunk road network shall be approved by North Ayrshire Council as Planning Authority, prior to the event. Any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc shall similarly be approved of North Ayrshire Council as Planning Authority.
2. That any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered shall be undertaken by a recognised Quality Assured Traffic Management Consultant, to be approved by North Ayrshire Council as Planning Authority, before delivery commences.
3. That the landscaping proposals indicated on the submitted Landscape Master Plan, Planting and Plan Detail Sheet shall be implemented in accordance with the details therein to the satisfaction of North Ayrshire Council as Planning Authority.

4. That the Mammal Protection Plan outlined in the Badger and Otter Survey Report by Etive Ecology, dated June 2012 shall be implemented in accordance with the details described therein, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the recommendations contained in the Barn Owl Survey Report by Etive Ecology dated October 2012 shall be implemented in accordance with the details described therein, to the satisfaction of North Ayrshire Council as Planning Authority.
6. That the proposals regarding the appointment of a suitably qualified Environmental Clerk of Works as described in the report submitted in support of the current application shall be implemented in accordance with the details contained therein throughout the duration of the construction period, to the satisfaction of North Ayrshire Council as Planning Authority.
7. That all drainage from the development shall be disposed of in accordance with the Drainage Strategy Statement hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the schedule of mitigation measures hereby approved shall be implemented in accordance with the details and programme described therein, to the satisfaction of North Ayrshire Council as Planning Authority.
9. That prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority full details regarding the method of extracting rock from the hillside to form the construction platforms; thereafter rock extraction shall be undertaken in accordance with the approved details, unless North Ayrshire Council as Planning Authority gives written consent to any variation.
10. That prior to the commencement of the development there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of proposals for the maintenance and management of the areas of landscaping, including maintenance schedules and management responsibilities; the maintenance and landscape management proposals shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation.
11. That all bulk deliveries required during the construction of the Converter Station and Sub-station and all Heavy Haulage Operations for the delivery of transformers shall approach the Hunterston roundabout by way of the A78 from the south of the roundabout in accordance with the Traffic Management Plan submitted in support of the application, unless North Ayrshire Council as Planning Authority gives written consent to any variation.

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

Boydston Farming Company, per Mrs I Wilson, Low Boydston Farm, Ardrossan have applied for an amendment to planning permission CH/01/89/0076 to remove the occupancy restriction at Glenhead Farm Cottage, Ardrossan.

The Committee agreed to grant the application.

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

Submitted report by Corporate Director (Development and Environment) on a Notice under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requiring works necessary for the proper preservation of the building at 12 Crichton Street, Millport, Isle of Cumbrae.

The building at 12 Crichton Street is a mid-terraced dwellinghouse located on the west side of the street towards its northern end. The property faces onto the seafront, has a rear garden adjoining Crawford Street and is a Category 'B' Listed Building. The property has been vacant for a number of years. Planning Permission and Listed Building Consent have been granted in the past for works to renovate the property, however, the permissions have never been implemented and have lapsed.

Complaints regarding the condition of the property have been ongoing since 2004. The Council has been in correspondence with the owner on various occasions but, to date, there has been no improvement in the condition of the building and in the past year there has been a significant deterioration.

On 5 December 2012, the Planning Committee agreed to continue consideration of this item to allow Planning Officers to monitor progress following information from the owner regarding imminent works. The failure of the owner to carry out any works to secure the preservation of the property has resulted in urgent works being required to preserve its future. The future of the building is at risk and this has the potential to affect the future of the adjacent Listed Buildings. All efforts have been made to allow the owner to address the Council's concerns without satisfactory results.

In order to preserve the building at 12 Crichton Street, Millport, it is proposed that a Notice of Intention be served under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to carry out the urgent works to the property as detailed in Appendix 1 to the report.

The Committee agreed to authorise the serving of a Notice of Intention under Section 49 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to carry out the urgent works to the property at 12 Crichton Street, Millport as detailed in Appendix 1 to the report.

The meeting ended at 3.20 p.m.



---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 3.1**

Planning Committee

**24 April 2013**

Planning Area

**Ardrossan Saltcoats and  
Stevenston**

Reference

**11/00766/PPM**

Application

**2 December 2011**

Registered

Decision Due

**2 April 2012**

Ward

**Ardrossan and Arran**

---

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

---

**Location**Ardrossan Marina  
Dock Road  
Ardrossan**Applicant**Irvine Bay Developments Ltd.  
43 Ardrossan Road  
Saltcoats**Proposal**Extension to Ardrossan Marina, comprising new  
breakwater, marina facilities building, improved  
access arrangements, car parking and boat  
storage, a new pedestrian link bridge and a  
drop-off car park facility

---

**1. Introduction**

Consideration of the application was continued at the meeting of the Planning Committee on 13th March 2013 for a site familiarisation visit by Members of the Committee. Members of the Planning Committee visited the site on 15th April 2013.

## **2. Description**

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

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

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

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



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

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

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

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

### **3. Consultations and Representations**

The statutory neighbour notification procedure was undertaken and the application was also advertised in the Local Press on 21 December 2011 for neighbour notification purposes. The application was also advertised in the Local Press and the Edinburgh Gazette on the 13 and 15 December 2011 respectively in relation to the Environmental Assessment (Scotland) Regulations. Objections were received from 23 local residents and from a Residents Association. A separate Residents Association also submitted a letter of representation.

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

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

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

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

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

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

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

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

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

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

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

6. There are no detailed drawings of the proposed facility building. This building would adversely impact on the outlook and view from residents in Block F of Mariner's View. The Council consider views in assessment of Council Tax Bandings and consider that due to the high tax banding of the properties, their views should be protected.

*Response - This matter was raised with the applicant and to date no details have been submitted. In these circumstances it is considered that the full details of this building could be dealt with by a condition. The proposed single storey utility building, with a floor area of 140 square metres would be some 30m from the closest residential property on Mariners View. Loss of view or the issue of Council Tax are not material land use planning considerations.*

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

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

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

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

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

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

10. Adverse impact on wildlife/sea life.

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

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

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

12. Suggest that Clydeport have been deceitful in the way this application has been brought forward as the original plans approved for the area, and on which basis the residents of Mariner's View purchased their properties, did not include (i) a Marina extension, (ii) the development of the open space on Montgomerie Pier or (iii) the use of the roadway serving the Mariner's View properties by additional road traffic.

*Response - The proposal now being considered was not included on the original Masterplan for the Harbour area, Planning Permission is now being sought for these developments.*

13. Concern that not all Mariner's View owners were notified of the application, and that the timing of the submission of the application, immediately prior to the Christmas/New year holiday period, restricted interested parties from submitting representations within the statutory time period.

*Response - The statutory neighbour notification procedure was carried out by the Council. In addition, notice of the application was published in the Ardrrossan & Saltcoats Herald and the Edinburgh Gazette. While the notifications were given/published in mid/late December, the Council's practice is to accept representations on applications until the point of determination.*

14. Concern was raised about the residents of Mariner's View having joint ownership of parts of the application site.

*Response - Following further submissions from the objector and the applicant it has now been confirmed that there are no 3rd party owners of the application site.*

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

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

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

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

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

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

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

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

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

5. Residents of Mariners View need to understand the details of the 'Parking Management' condition being requested by Roads Services and be involved in the formulation of the Plan.

*Response - This matter would be appropriately addressed by the Council in the consideration of the applicant's submission as required by a condition.*

## **Consultations**

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

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

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

*Response - An appropriate condition is attached as requested.*

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

*Response - An appropriate condition is attached in this regard.*

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

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

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

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

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

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



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

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

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

**West of Scotland Archeological Service** - no comments.

**Ardrossan Community Council** - no comments.

#### **4. Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. Full Recommendation**

See Appendix 1.

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

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

Cunninghame House, Irvine  
15 April 2013

For further information please contact Gordon Craig, Planning Officer , on 01293 324380.

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 11/00766/PPM**

Grant subject to the following conditions:-

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

7. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the drop-off car park and facilities building in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
8. That the presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of Environmental Health. Thereafter a suitable investigation strategy as agreed with North Ayrshire Council shall be implemented and any necessary remediation works carried out prior to any further development taking place on the site, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That the applicant shall ensure that vehicular access is maintained to the 'Inner Roll-on/Roll-off berth' at Winton Pier at all times and that prior to the commencement of the development shall submit for the written approval of North Ayrshire Council as Planning Authority and amended layout plan of the car park/boat storage area to indicate the proposed vehicular route between the berth and the main harbour access road.
10. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority full details of the proposed drop-off car park, including surface treatment, ground levels, access control barrier, and drainage proposals, and that prior to the use of the berths hereby approved, the drop-off car park shall be fully constructed to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To secure the proper completion of the development in the interest of amenity.
2. To meet the requirements of North Ayrshire Council as Roads Authority.
3. In the interest of the amenity of the area.
4. To ensure adequate flood protection for the building.
5. To meet the requirements of RSPB.
6. To meet the requirements of RSPB.

7. To meet the requirements of Scottish Water and the Scottish Environment Protection Agency.
8. To meet the requirements of Environmental Health.
9. In order to protect the integrity of existing port activities.
10. To secure the proper completion of the development in the interest of amenity.

Reason(s) for approval:

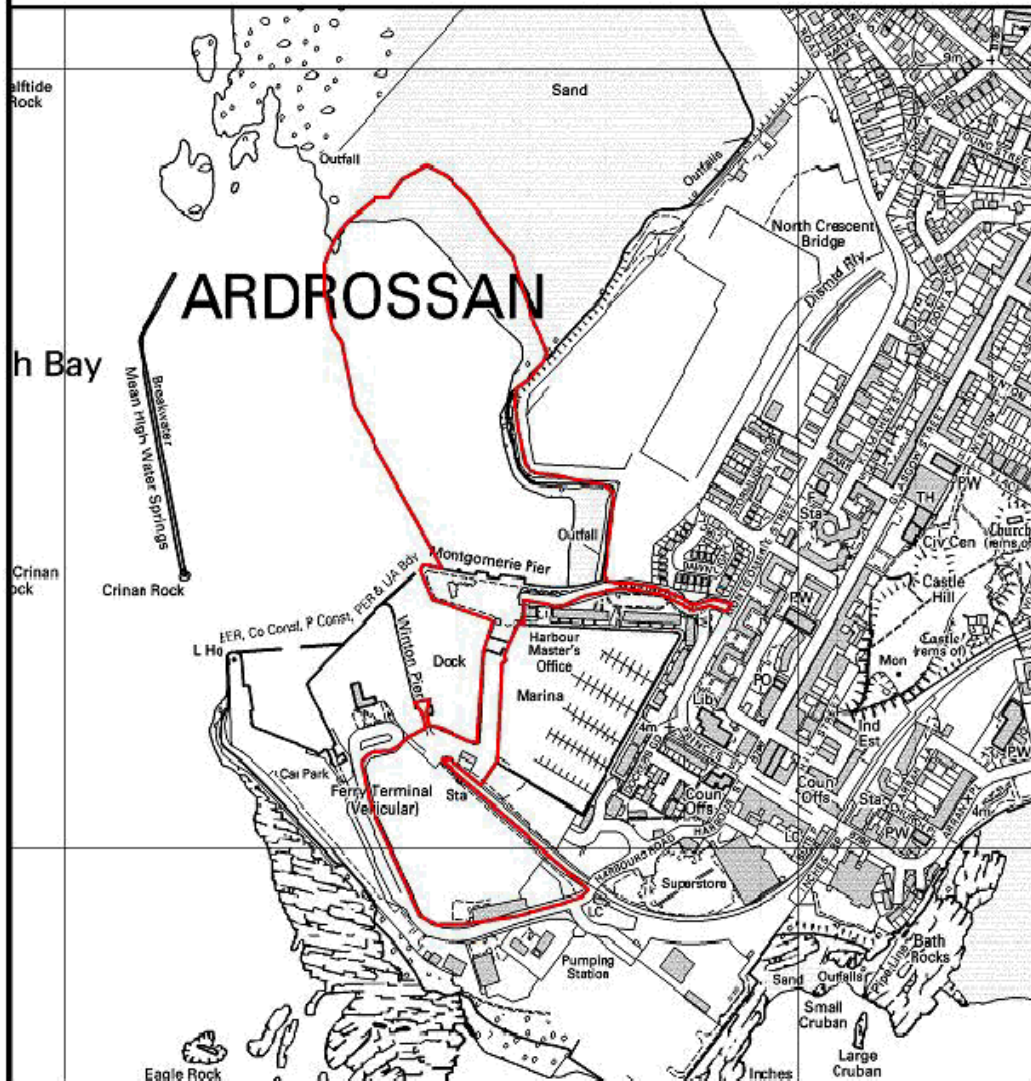
1. The proposal complies with the relevant provisions of the development plan and there are no other material considerations that indicate otherwise.





# Committee Plans

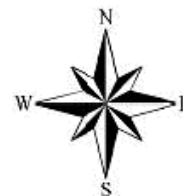
11/00766/PPM



**NORTH AYRSHIRE**  
COUNCIL

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

**Not To Scale**





---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 3.2**

Planning Committee

**24 April 2013**

Planning Area

**Ardrossan Saltcoats and  
Stevenston**

Reference

**11/00685/PPPM**

Application

**7 October 2011**

Registered

Decision Due

**7 February 2012**

Ward

**Ardrossan & Arran**

---

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

---

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

---

**1. Introduction**

Consideration of the application was continued at the meeting of the Planning Committee on 13th March 2013 for a site familiarisation visit by Members of the Committee. Members of the Planning Committee visited the site on 15th April 2013.

## **2. Description**

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

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

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

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

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

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

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

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

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

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

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

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

- SOC4 (Residential and Nursing Homes), confirming acceptance of such uses within residentially allocated areas subject to satisfying stated criteria;
- INF6 (Flooding), requiring a flood risk assessment to be submitted together with any required mitigation measures;

-TRA2 (Walking and cycling), requiring all significant developments to take account of the needs of walkers and cyclists and to provide direct links to transport hubs and local facilities etc;

-OS2 (Open Space and Play Provision), requiring new housing developments to make provision in accordance with the current NAC standards; and

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

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

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

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

### **3. Consultations and Representations**

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

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

### **Grounds of objection/representation**

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

## **Consultations**

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

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

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

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

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

*Response - Noted.*

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

*Response - Appropriate conditions are attached as requested.*

**Environmental Health** - No objections subject to a condition requiring the applicants to undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination, and assist in the design of appropriate remediation proposals. The above information must be submitted for approval prior to the commencement of any part of the development, and on completion of any approved remediation works written verification of the works undertaken will also require to be submitted. Furthermore, EH request further information to demonstrate compliance with standards on the impact on air quality from the additional traffic generated by the proposed development. The applicant has been informed directly of environmental protection matters eg operating hours for construction works.

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

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

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

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

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

**Scottish Water** - No objections.

#### **4. Analysis**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **5. Full Recommendation**

See Appendix 1.

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

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

Cunninghame House, Irvine  
15 April 2013

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





## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 11/00685/PPPM**

Grant subject to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation, shall also be submitted to the North Ayrshire Council as Planning Authority.
3. That prior to the commencement of the development, hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a Strategy for Open Space which shall include proposals for (i) the provision of open space and play provision, in accordance with the North Ayrshire Council policy "Provision and Maintenance of Landscaping, Open Space and Play Areas in New Housing Developments" together with proposals for the management and maintenance thereof; (ii) the protection, upgrading, management and maintenance of the Core Path (Right of Way) and Ayrshire Coastal Path which pass through the site; and (iii) the diversion of the National Cycle Route through the site, together with proposals for the management and maintenance thereof.
4. That prior to the commencement of the development, hereby approved, the applicant shall submit a revised Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.

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

13. That no direct vehicular access shall be formed between the application site and Mariners View.

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

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

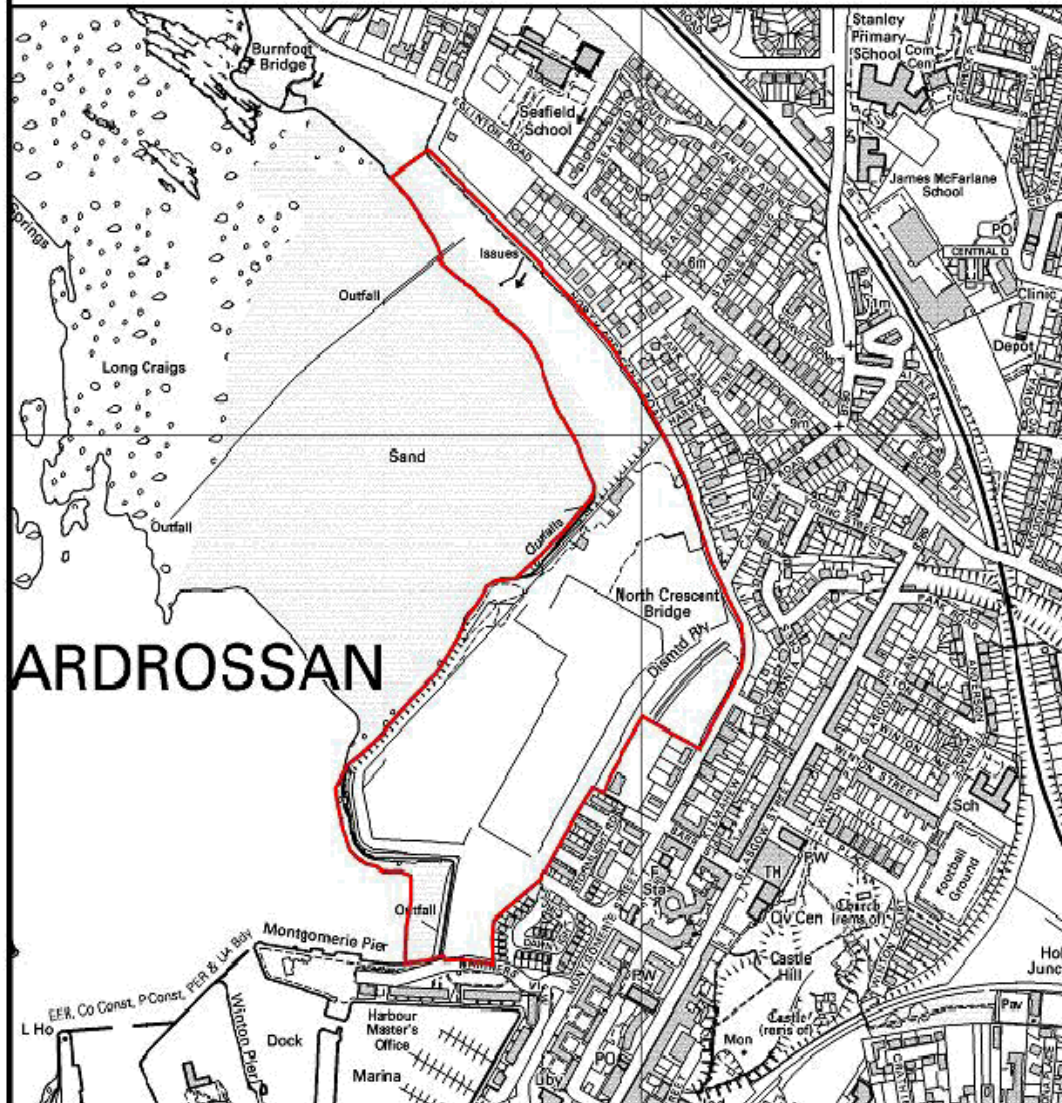
Reason(s) for approval:

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



# Committee Plans

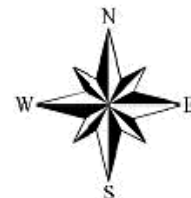
11/00685/PPPM



**NORTH AYRSHIRE**  
COUNCIL

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

**Not To Scale**





---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 4**

Planning Committee

Planning Area

**24 April 2013  
Irvine/Kilwinning**

Reference

**13/00184/ADC**

Application

**28th March 2013**

Registered

Decision Due

**28th May 2013**

Ward

**Kilwinning**

---

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

---

**Location**3 Almswall Road  
Kilwinning**Applicant**Shona Thorne  
Thorne Travel  
172 Main Street  
Kilwinning  
KA13 6EE**Proposal**Erection of two internally illuminated fascia signs  
to front and side of shop

---

**1. Description**

This application seeks advertisement consent for two fascia signs to the front and side of shop at 3 Almswall Road, Kilwinning. The principal elevation fronts onto Almswall Road and the side (north) elevation to Main Street, Kilwinning. The proposed fascias would measure 640mm by 5350mm and 640mm by 3490mm. The fascia signs would be continuously illuminated with translucent acrylic back light signage boxes with corporate logos. The signage would be mounted on existing external shutter boxes above the shop front.

The shop is owned by North Ayrshire Council. There are current improvement works to the parade of shops along Almswall Road and Main Street, which includes upgrades to the shop frontage.

The application site is within Kilwinning Town Centre area as identified in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) and requires to be assessed against Policy TC8. The proposal also requires to be assessed against the relevant criteria of the Development Control Statement (DCS) contained within the Local Plan where the relevant criteria would be (a) Siting, Design and External Appearance and (b) Amenity.

Following discussions with the applicant's agent, revised plans were submitted to omit a fascia sign at the Almswall Road/Main Street corner. In addition, the existing box shutters on the property, under the covered walkways, would be moved higher under the "soffit" to mitigate the visual impact.

## **2. Consultations and Representations**

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

## **3. Analysis**

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

The Council's Control of Advertisement Policy states that illuminated fascia signs in town centres are acceptable subject to the fascia sign being related to the design of the shop front. It is considered that the proposed signs relate well to the shop front and provide an acceptable design, scale and finish, with no adverse impact on either the character or appearance of the town centre area. It is also considered that the sign would not have an adverse impact on either public safety or amenity.

For the above reasons, it is also considered that the proposal would satisfy Criteria (a) and (b) of the DCS. For these reasons, it is considered that advertisement consent should be granted.



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

See Appendix 1.

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

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

Cunninghame House, Irvine  
5 April 2013

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

FK/FG



## **APPENDIX 1**

### **RECOMMENDATION FOR ADVERTISEMENT CONSENT APPLICATION REF NO 13/00184/ADC**

Grant subject to the following condition:-

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

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

1. That the specific duration of advertisement consent is considered expedient having regard to the provisions of Section 18 of the Town and Country Planning (Control of Advertisement) (Scotland) Regulations 1984.







---

**NORTH AYRSHIRE COUNCIL**

---

**Agenda Item 5**

Planning Committee

**24 April 2013**

Planning Area

**North Coast and Cumbraes**

Reference

**13/00080/PP**

Application

**25th February 2013**

Registered

Decision Due

**25th April 2013**

Ward

**North Coast and Cumbraes**

---

---

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

---

<b>Location</b>	Beachcombers The Promenade Largs KA30 8DG
-----------------	--

<b>Applicant</b>	Ross Irvin 39 Donald Wynd Largs KA30 8TH
------------------	---

<b>Proposal</b>	Siting of static hot food kiosk
-----------------	---------------------------------

---

**1. Description**

This application is for the siting of a static hot food kiosk, located to the north of the existing kiosk at Beachcombers on Largs Promenade. The site is surrounded by the promenade to the north, west and south-west, the public carpark is to the east and the site of the existing Beachcombers kiosk is to the south. The existing kiosk is positioned further forward than the existing amusement complex, to the south, creating a stepped building line along the Promenade. There is a small white mobile trailer to the north of the existing Beachcombers kiosk, which is owned by Beachcombers. It does not currently sell food/drinks and offers children's amusements machines, for example.

The applicant has confirmed that there are also children's amusement rides, however these were not on display at the time of the site visit. The trailer would be replaced by the proposed kiosk.

It is proposed to install an additional kiosk for the sale of hot food, approximately 1.3 metres to the north of the existing kiosk. The unit is of a standard rectangular static snack van design and measures 5.4 metres long by 2.1 metres wide and 3 metres high. The proposed kiosk would be set forward from the existing kiosk by approximately 0.5 metres. The kiosk would be set back from Gallowgate Street (A78 Trunk Road) by approximately 22 metres. The walls and the roof of the kiosk would be finished in white GRP. There would be signage in relation to the business to the front of the kiosk and there would be a retractable canopy, which would project by approximately 0.8 metres to the front of the kiosk. The kiosk would operate on a seasonal basis and its hours of operation would be from 10am to 10pm.

The agent has submitted additional information in support of the application. The existing Beachcombers kiosk was originally based on customer demand as averaged on the year, and the existing space within the kiosk has been able to cope with the high season demand up to recent years. Currently, with the range of food and hot/cold drinks being sought by the customer, the existing kiosk is placing limitations on ability to satisfactorily meet customer demands during the high season. The existing children's rides (4 no.) are profitable and the business is looking to rationalise what remains of these rides after the proposed kiosk is in place.

The existing kiosk currently provides ice cream, hot and cold beverages and a range of hot and cold foods/snacks. Proposals for an extension to the existing kiosk were taken to a feasibility costing/business appraisal stage. It was determined from the appraisal that the business would be better served by investing in a separate kiosk, which would assist in delivery of the range of foods/drinks sought by customers and current seasonal demand. The kiosk would be fabricated off site and be purpose built. By utilising the separate unit, the business would have greater flexibility and control of operational costs for the two kiosks, as the business would react to seasonal demand. The separate unit would also enable the business to segregate hot and cold food sales, thus enabling the business to hold a better range of both hot and cold foods. Should the market change over the years, it is easier to remove this kiosk to another unit or sell the unit on as required to either dispose of or replace the asset. Should the customer demand diminish over the years, the business would be able to recover some of their capital investment through the sale of the proposed separate kiosk unit.



The application site is situated within a residential area of Largs as identified within the North Ayrshire Local Plan (Excluding Isle of Arran). The site is located within the Developed Coastline and the proposal would require to be assessed against Policy ENV 8, which relates to the Coastal Zone.

Policy TC 6 relates to Local Shops and states that proposals for the development of local shops outwith town centres, including shops attached to petrol filling stations, hot food shops, cafes and betting offices shall not accord with the Plan unless they can be justified against the following criteria:

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

The proposal also requires to be assessed against the relevant criteria of the Development Control Statement of the adopted Local Plan.

## **2. Consultations and Representations**

Neighbour/owner notification has been carried out and the application was advertised in the local press on 6 March 2013. No objections/representations have been received.

### **Consultations:**

**West of Scotland Archeology Service** - no objections.

**Largs Community Council** - no objections.

**NAC Estates** - no objections. Agreement has been reached between Estates and the applicant, subject to planning permission.

**NAC Environmental Health** - no objections.

**NAC Development Planning Services (Roads)** - the promenade does not form part of the adopted public highway network. Education Property Management to be contacted regarding the location of this kiosk.

*Response: noted. NAC Estates has been consulted (see above). Further discussions with Estates has confirmed that Education Property Management now comes under the remit of Estates.*

**NAC Development Planning Services (Flooding & Structural Design) -** no objections, however it is recommended to put all electrical sockets 0.5 metres above the proposed floor level.

*Response - noted. The agent has been made aware of this information.*

Transport Scotland does not require to provide any comments regarding this proposal.

### **3. Analysis**

The application site is located within an area allocated for residential purposes within the adopted Local Plan. Regarding Policy ENV 8 (Coastal Zone), as the proposal relates to a pre-fabricated, purpose built structure, which can be removed, it is considered that it would not have a significant adverse impact on the Developed Coastline and would accord with Policy ENV 8.

With regard to Policy TC 6 (Local Shops), from the information submitted by the agent, it is considered that the development meets a recognised local need and the additional kiosk would assist in responding to customer demands, thereby offering a greater range of food and drinks. The site is located just outside the town centre of Largs, as identified within the adopted Local Plan, and can therefore be easily accessed on foot from Largs town centre. As the proposal relates to an additional kiosk in relation to the existing business at Beachcombers, it would not have a detrimental impact on the infrastructure by attracting additional traffic from outwith the local area, as it would improve the range of food/drink that is currently provided and react to the seasonal demand. Roads has no objections to make in terms of additional traffic and there is a public car park adjacent to the site. The agent has submitted a justification to illustrate why the additional kiosk is required and due to the nature of the kiosk it could be removed should the market change over the years. It is considered appropriate to impose a planning condition to restrict the consent to a three-year temporary consent, given the temporary nature of the structure and to allow any impacts to be assessed. It is therefore considered that the proposal would accord with Policy TC 6.

With regard to the relevant criteria of the Development Control Statement of the adopted Local Plan, the proposal requires to be assessed against siting, design and external appearance, impact on amenity and access, road layout and parking provision.

The additional kiosk would be located to the north of the existing Beachcombers kiosk and would be set back from the Largs Promenade, therefore it is considered that its siting would be acceptable. The kiosk would be set forward from the existing kiosk by approximately 0.5 metres, however it would not have significant adverse impact, given the stepped layout at this location with the siting of the amusement complex and the existing Beachcombers Kiosk. The design and finish of the kiosk is standard for such a catering unit, however it is considered appropriate to impose a planning condition with regard to the external finishes and for details of the retractable canopy to be submitted.

With regard to amenity, it is considered that the additional kiosk would not have a significant adverse impact on the amenity of the surrounding area. The kiosk would operate on a seasonal basis from 10am to 10pm and as there has been no objections raised from Environmental Health, it is considered that there would be no significant adverse impact from noise or disturbance. Furthermore the kiosk would not be in close proximity to any residential properties. With regard to access, road layout and parking provision, Roads has no objections.

Accordingly, there are no additional material considerations to address, and, as such, planning permission can be approved subject to the appropriate planning conditions.

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

See Appendix 1.



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

Cunninghame House, Irvine  
28 March 2013

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

JH/FG



## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00080/PP**

Grant subject to the following conditions:-

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

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

1. In order to allow the development to be monitored.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.

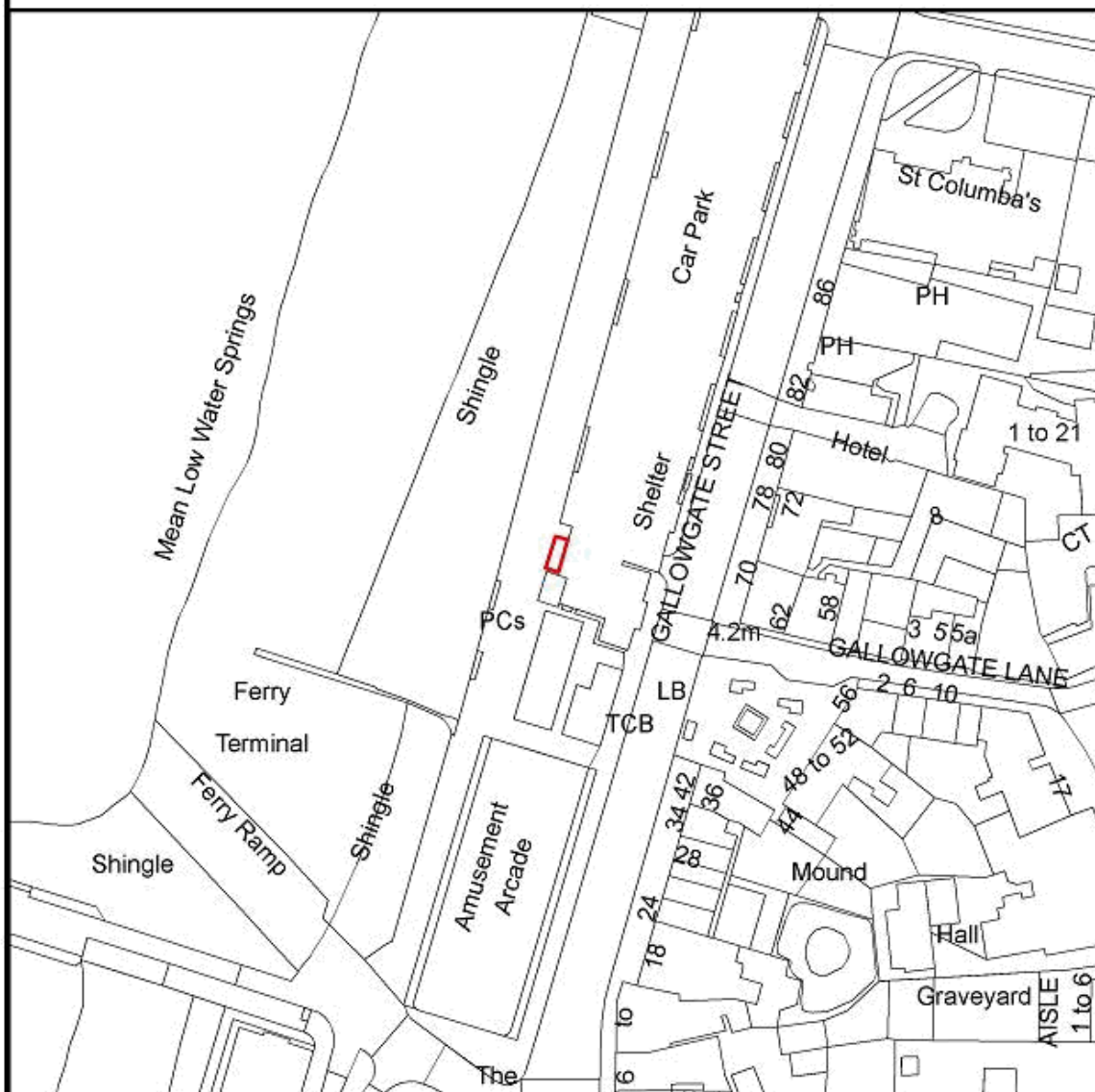
Reason(s) for approval:

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



# Committee Plans

13/00080/PP



**NORTH AYRSHIRE**  
COUNCIL

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

**Not To Scale**

