



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Cunninghame House,
Irvine.

29 January 2015

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 4 FEBRUARY 2015** 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 accuracy of the Minutes of meeting of the Committee held on 14 January 2015 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. Ardrossan, Saltcoats and Stevenston

Submit report on the following applications:

14/00626/PPPM: Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats.

Planning Permission in Principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities, construction of new roundabouts with associated roads and landscaping (copy enclosed).

4. Enforcement Notice - Farmfoods, Lamont Drive, Irvine

Submit report by the Executive Director (Economies and Communities) to serve an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring the removal of an unauthorised second hand clothes collection facility and all associated apparatus (copy enclosed).

5. Scottish Government consultation on the land use planning aspects of the Seveso III Directive on the control of major-accident hazards

Submit report by the Executive Director (Economies and Communities) to consider the proposed changes set out in the above consultation paper (copy enclosed).

Planning Committee

Sederunt: Matthew Brown
John Ferguson
Robert Barr
John Bell
John Bruce
Joe Cullinane
Ronnie McNicol
Tom Marshall
Jim Montgomerie
Robert Steel

(Chair)
(Vice-Chair)

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
14 January 2015

IRVINE, 14 January 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

John Ferguson, John Bell, Joe Cullinane, Tom Marshall, Ronnie McNicol, Jim Montgomerie and Robert Steel

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Economy and Communities); and A. Craig, Team Manager (Litigation) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

Chair

Councillor Ferguson in the Chair.

Apologies for Absence

Robert Barr, Matthew Brown and John Bruce

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the Committee held on 3 December 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Kilwinning

14/00656/DCMS: Hullerhill Sand Quarry, Kilwinning

Hugh King and Co., Hullerhill Sand Quarry, Kilwinning has applied for permission to update the planning conditions for the quarry operations at Hullerhill Sand Quarry, Kilwinning in accordance with the periodic Review of Old Mineral Permissions (ROMP) procedure.

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

1. That the development hereby approved within the area identified on drawing reference Figure 2.1 of the Planning and Environmental Review shall enure until 21 February 2042. At the end of the period of permission, all quarrying operations, including the processing of sand and the transfer of aggregates from the site, shall

cease, to the satisfaction of North Ayrshire Council as Planning Authority.

2. That the site operators shall work the quarry only in accordance with the provisions of the Planning and Environmental Review submitted in support of the ROMP review and the plans hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

3. That all soil storage mounds shall not exceed 6 metres in height, shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture all to the satisfaction of North Ayrshire Council as Planning Authority.

4. That no turf, topsoil or subsoil shall be at any time removed from the site to the satisfaction of North Ayrshire Council as Planning Authority.

5. That any unauthorised waste materials on the site shall be removed to a licensed waste or recycling facility to the satisfaction of North Ayrshire Council as Planning Authority.

6. That overburden and waste materials from the site shall be evenly graded, shaped, drained and properly screened to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the existing trees along the south-western boundary shall be retained and shall not be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.

8. That no extraction, processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority.

9. That all vehicular access from and egress to the B778 shall be made using the existing access road unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. The first 25 metres of the access road shall be hard surfaced and sealed with a bituminous material at all times. Any potholes which emerge shall be repaired without delay to the satisfaction of North Ayrshire Council as Planning Authority.

10. That no extraction operations shall take place within 30 metres distance of the B778 and the land within this 'buffer zone' shall be retained as screening for the proposed workings to the satisfaction of North Ayrshire Council as Planning Authority.

11. That wheel washing facilities shall be provided and maintained in working order to ensure that vehicles leaving the site shall not deposit deleterious material on public roads, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. That the site operators shall undertake all works to ensure that there are

safeguards against pollution of groundwater or any watercourse from all construction activities and ongoing operational activities. In particular, the containment and contingency measures specified within Section 6 of the Planning and Environmental Review shall be implemented on-site, all to the satisfaction of North Ayrshire Council as Planning Authority.

13. That all vehicles, plant and machinery operated within the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers. All new plant introduced to site shall be fitted with broadband type reversing alarms to the satisfaction of North Ayrshire Council as Planning Authority.

14. That noise from the development shall not exceed 55dB LAeq, 1hour (free field) at any noise-sensitive premises, except noise from soil stripping or landscape operations, all to the satisfaction of North Ayrshire Council as Planning Authority.

15. That noise from the development caused by soil/drift stripping and/or landscaping operations shall not exceed 70dB LAeq, 1hour (free field) at any noise sensitive premises. This noise limit shall only be permitted for a maximum of eight weeks in any calendar year. Otherwise, the noise limit in condition 14 above shall be complied with to the satisfaction of North Ayrshire Council as Planning Authority.

16. That the site operators shall ensure that all operations are controlled so as to prevent or minimise the release of dust into the atmosphere. The dust mitigation measures listed within Section 10 of the Planning and Environmental Review shall be implemented on site and in a method which ensures that the best practice methodologies as set out in PAN 50 are adopted to the satisfaction of North Ayrshire Council as Planning Authority.

17. That visual assessments of dust emissions from all plant and operations shall be made at least once per day during operations and remedial actions taken as may be required to the satisfaction of North Ayrshire Council as Planning Authority.

18. That the site shall be progressively worked and restored for amenity purposes in accordance with the phasing and restoration details shown in Sections 3 and 8 and Figures 3.1 to 3.5 of the Planning and Environmental Review, to the satisfaction of North Ayrshire Council as Planning Authority.

19. That final site restoration shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

20. That, unless retained for agricultural purposes, on the cessation of the workings, all buildings, plant or machinery and areas of hardstanding within the site shall be removed from the site with reinstatement being undertaken in accordance with Section 8 of the Planning and Environmental Review to the satisfaction of North Ayrshire Council as Planning Authority.

21. That the aftercare scheme as detailed in Section 8 of the Planning and

Environmental Review shall be implemented following land reinstatement to the satisfaction of North Ayrshire Council as Planning Authority.

22. That, in the event that, during the life of this permission, mineral extraction ceases for a continuous period in excess of one year or the use is discontinued for a like period, then unless as may otherwise be agreed in writing with North Ayrshire Council as Planning Authority, within 12 months of either event occurring, a revised restoration scheme that modifies and updates that required by condition 18 above, shall be submitted for the written approval of North Ayrshire Council as Planning Authority, including any modifications as may be required, detailing the steps to be taken to restore the site. For the avoidance of doubt, written notice giving the relevant date on which extraction ceases shall be given to North Ayrshire Council as Planning Authority.

23. That, within 12 months of being approved, any revised restoration scheme that may have been required under the terms of condition 22 above shall be implemented and the works completed to the satisfaction of North Ayrshire Council as Planning Authority.

24. That no infill material, other than materials as exempted under the provisions of the Waste Management Licensing Regulations 1994 (as amended, including any subsequent amendments), shall be brought onto the site without the prior written agreement of North Ayrshire Council as Planning Authority and without a Waste Management Licence. Any such infill materials being brought into the site shall be used/placed only in accordance with an approved scheme of restoration and in locations agreed in writing beforehand by North Ayrshire Council as Planning Authority.

25. That every five years from the approval of these conditions, the site operator shall submit for the written approval of North Ayrshire Council as Planning Authority a statement and drawings illustrating the extent of quarry working and projected operations during the forthcoming five year period as an audit of operations. This shall include an audit of compliance with conditions, the scope of which shall be to the satisfaction of North Ayrshire Council as Planning Authority.

4. Ardrossan, Saltcoats and Stevenston

14/00593/PPPM: Site to West of First Avenue, Stevenston Industrial Estate, Stevenston

Clowes Developments (Scotland) Ltd, Estate Office, APL Centre, Stevenston Industrial Estate, Stevenston has applied for planning permission in principle for a residential development on a site to the West of First Avenue, Stevenston Industrial Estate, Stevenston. 96 letters of objection (92 of them in the form of standard pro-forma letters) were received, as detailed in the report.

Discussion took place on the proposed Section 75 Agreement and Transportation Assessment. The Senior Manager (Planning, Transportation and Regeneration) undertook, in the event of the application being granted, to report back to the Committee on these matters.

Councillor Marshall, seconded by Councillor McNicol, moved that the application be granted, subject to the conditions set out in the officer's report. As an amendment, Councillor Montgomerie moved that the application be refused on the grounds that he considered the Pre-Application Consultation arrangements to be flawed. There being no seconder, the amendment fell. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application, subject to (a) the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and (b) 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 submit for the written approval of North Ayrshire Council as Planning Authority a scheme to deal with contamination on the site. The scheme shall contain details of proposals to deal with contamination including:

a) the nature, extent and type(s) of contamination on the site, including the testing of groundwater for explosives residue and a review of the Mason Evans site investigation report dated February 2008 submitted in support of the application;

b) measures to treat/remove contamination to ensure the site is fit for the use proposed, including details of phasing of the proposed measures;

c) measures to deal with contamination during construction works; and

d) the condition of the site on completion of decontamination measures.

All documentation shall meet BS10175:2011, be verified by a suitably qualified Environmental Consultant, and submitted to the satisfaction of the 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 of what was done by way of remediation shall be submitted to North Ayrshire Council as Planning Authority.

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

North Ayrshire Council as Planning Authority gives written consent to any variation.

4. 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.

5. That the further application(s) for approval under the terms of Condition 1 shall include a revised/updated Transportation Assessment which details of both vehicle speeds and traffic counts for both Lundholm Road and First Avenue.

6. That the proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access 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 include detailed proposals for (i) the provision of landscaping along the eastern boundary of the site to form a suitable buffer between the development site and the adjacent industrial area, and (ii) the retention and protection of trees along the western boundary of the site adjacent to residential properties on the eastern side of Lundholm Road, all to the satisfaction of North Ayrshire Council as Planning Authority..

The Meeting ended at 2.35 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

4 February 2015

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

14/00626/PPPM

Application

23rd October 2014

Registered

Decision Due

23rd February 2015

Ward

Saltcoats and Stevenston

Recommendation	Agree (a) subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) to grant subject to the conditions contained in Appendix 1.
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Location	Site to north of Arran View Nursing Home and west of Dalry Road, Saltcoats.
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Applicant	Robert Ryan/Land Partners c/o McInally Associates Limited, 6 Newton Place, Glasgow.
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Proposal	Planning Permission in Principle for a mixed use development for the erection of housing, offices, manufacturing, production, warehousing facilities, construction of new roundabouts with associated roads and landscaping.
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1. Description

This application relates to a site of some 13.5 hectares in area located at the northern end of Saltcoats (see attached location plan).

The application site comprises the existing, partially developed Sharphill Industrial Estate, undeveloped land allocated for industrial use immediately to the north and south of the existing industrial units, and agricultural land to the west of the recent Cunninghame Housing Association development of Windmill Wynd, and to north of Meiklelaught Place and Barga Gardens within Dykesmains housing area. The north and north eastern boundary of the site adjoins landscaped mounding on the southern side of the Ardrossan/Saltcoats/Stevenston bypass and to the south west of the Sharphill roundabout bounding the residential property of Sharphill Cottage on two sides. The staggered southern boundary of the site adjoins the existing residential properties of Keeper Place, Farmhill Place, Windmill Wynd, Meiklelaught Place and Barga Gardens; with agricultural land to the western and north western boundaries .

The site would be accessed from both Dalry Road, by way of a proposed new roundabout at the existing vehicular access into Sharphill Industrial Estate and also from a point on Burns Avenue directly opposite the Arran View Nursing Home. The intention is that an alternative vehicular route between Dalry Road and the Dykesmains housing area would be provided as part of the proposed development and which would reduce vehicular movement on Burns Avenue.

The application site slopes gradually upwards from its boundary with Barga Gardens to the north east corner of the site with a difference in level of some 25 metres between these points.

The application seeks Planning Permission in Principle and is considered to be a "major" development as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site exceeds two hectares in size. Being a "major" development, the planning application was accompanied by a Pre-Application Consultation (PAC) report which outlines the steps taken by the applicant to inform the community of the proposed development. The PAC provides details of (i) the parties and individuals who were consulted, (ii) the method of publicity, (iii) the public event, and (iv) the issues raised during the publicity period and the applicant's response to these issues.

In the adopted Local Development Plan (LDP) the application site lies partly within a Housing allocation which is subject to Policies RES2 (16) and RES2 (17); part business and industry covered by Policy IND3; and a mixed use employment area covered by IND5.

Policy RES2 (16) identifies part of the site, that part immediately north of the recent Cunninghame Housing Association development and south of the existing access road to the Sharphill Industrial Estate, as one of a number of additional housing sites within the Plan, with an indicative capacity of 50 residential units. The area immediately west of this part of the site is covered by RES2 (17) which forms part of a larger housing allocation with a total capacity of some 200 units. Policy RES2 also requires that the development of the site mitigates against unacceptable adverse impacts on infrastructure which may arise as a result of the development and as indicated in the related Action Programme. The Action Programme lists the indicative requirements as:-

- Providing structure planting along the northern boundary;
- Providing an access road connecting Dalry Road and Burns Avenue;
- Providing interconnection and integration with the adjacent RES2 housing land by way of a Masterplan; and
- Securing of contribution towards affordable housing.

Policy IND3 identifies opportunities to meet the need for a wide range of general business, industrial and warehousing uses while Policy IND5 states that proposals for development within sites allocated as mixed use employment areas must demonstrate an element of retained employment use, the nature of which should be negotiated on a site by site basis, with reference to a business plan, and progressed through development briefs to be produced in consultation with the land owner/developer. Policy RES4 (affordable housing) is also relevant and requires all proposals for residential development to make a contribution to affordable housing provision. For the Three Towns sub-market housing area, a contribution of 10% is required and should be provided in line with the Council's supplementary guidance.

The General Policy of the LDP is also relevant and requires all development proposals to be considered against a set of assessment criteria, the relevant ones in this case being (a) siting, design and external appearance, (b) amenity, and (d) access, road layout, parking provision.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on 5 November 2014 for neighbour notification purposes. Three letters of objection were received which can be summarised as follows:

- 1 Traffic concerns. Burns Avenue is unsuitable for any further traffic volumes.

Response - One of the aims of this proposal however is to provide a new access road linking Burns Avenue, opposite the Arran View Nursing Home, to Dalry Road, at the location of the existing site access to the Sharphill Industrial Estate. It is anticipated that this route would reduce the volume of traffic on Burns Avenue and therefore make a positive contribution to road safety and the free flow of traffic.

- 2 Concerns regarding overlooking of objectors' properties by development in adjacent fields and which would be at a higher ground level.

Response - The issues of privacy and overlooking are matters, which would be taken into account in the submission of any subsequent detailed planning application.

- 3 Object to being adjacent to offices, manufacturing and warehousing development.

Response - Part of the site has been allocated for industrial use since at least 1995 when it was incorporated in the Ardrossan/Saltcoats/Stevenston Local Plan and has been retained as an industrial allocation in subsequent Development Plans. Siting and design are matters, which would be taken into account in the submission of any subsequent detailed planning application.

- 4 Poor notification to neighbours of the proposed development and the pre-application stage of this major development.

Response - The standard neighbour notification procedure, including press advertisement, was undertaken by the Council, on receipt of the planning application, and included notification to the objector's property. In relation to pre-application, the responsibility for notification rests with the applicant. In this particular case, the applicant advises that there was a staffed public exhibition at Saltcoats Library, which was advertised in the Ardrossan and Saltcoats Herald. Publicity posters were also displayed on notice boards in local shops and public buildings, which was acceptable.

Consultations

North Ayrshire Council Transportation - No objection to the principle to the installation of road infrastructure to service the proposed development. Agreement over junction layouts and general road geometry cannot be determined until the submission of a subsequent full application, which should be accompanied by a transportation assessment. The proposed development should also be designed in accordance with the principles of Scottish Governments "designing streets and designing places" policy documents.

Response - Appropriate conditions are attached with regard to the above matters.

North Ayrshire Council Environmental Health - No objections subject to conditions being attached to require (i) a noise impact assessment to be submitted to assess the potential impact of both the manufacturing/production/warehousing facilities and road traffic on both existing and proposed residential properties, (ii) to secure information from the applicant to demonstrate that the increased road traffic generated by the proposed development would not adversely impact on statutory air quality objectives and (iii) to secure details of boiler plant to be installed at the proposed manufacturing/production/warehousing facilities in order to assess emissions from the plant on air quality objectives.

Response - Appropriate conditions can be attached with regard to the above matters.

West of Scotland Archaeological Service - No objection to the proposed development, however as the application site is situated in an area of recognised archaeological potential and surrounded by recorded archaeological sites and finds, it is possible that significant archaeological remains may survive with the site and accordingly a condition should be attached to require the applicant to submit a written scheme of investigation to secure the implementation of a programme of archaeological works for approval prior to the commencement of the development.

Response - An appropriate condition is attached.

Scottish Water - No reply received to date.

3. Analysis

This application seeks Planning Permission in Principle for a mixed use development including the erection of housing, offices, manufacturing, production warehousing facilities, the construction of new roundabouts with associated roads and landscaping at a site to the north of Arran View Nursing Home and to the west of Dalry Road, Saltcoats.

The principle of the proposed development accords with the land use allocation of the Local Development Plan (LDP), with the proposed residential area immediately north of Barga Gardens and Meiklelaught Place, and to the west of Windmill Wynd identified for residential development as part of a much larger additional housing site under Policy RES2 (17) of the LDP. Policy RES2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development with indicative requirements for each site being set out in the related Action Programme.

LDP Action Programme lists the following as indicative requirements;

- (a) Providing structure planting along the northern boundary of the site;
- (b) Provision of an access road connecting Dalry Road and Burns Avenue;
- (c) Preparation of a masterplan to demonstrate integration with existing development;
- (d) Securing of contribution towards affordable housing.

In terms of (a) structure planting along the northern boundary of the site can be secured by a condition attached to the permission. For (b), conditions requiring a phasing plan to be submitted for approval with any subsequent application for detail permission would ensure the provision and timing of the required road link. In respect of (c) it is not considered that a detailed masterplan is required, given that conditions require (i) the phasing of the development and (ii) that subsequent detailed applications incorporate the principles of the Scottish Governments "designing streets and designing places" policy documents, which would ensure integration with surrounding developments.

Finally, the level of detailed information required to assess the appropriate level of contribution towards affordable housing as required by (d) would form part of a Section 75 Legal Agreement. The affordable housing requirement as detailed in the Action Plan is also required by Policy RES4 (affordable housing) with developments within the Three Towns sub-market housing area required to make a contribution of 10% towards affordable housing provision as indicated within the Council's supplementary guidance.

The remaining part of the site, immediately adjacent to Dalry Road, is subject to Policy IND5 (mixed use employment areas) where a mix of uses are included, in this case residential and employment in terms of Policies RES2 (16) and IND3. The proposal accords with Policy IND5 due to the proposed industrial/employment development on the northern part of the site, extending to some 3.4 hectares as the first phase of the development. Policy IND5 requires that the employment use retention be demonstrated by reference to a business plan, and possibly through a legal agreement, in the absence of a business plan at this stage, the matter would be addressed through a Section 75 Legal Agreement.

The criteria of the General Policy of the LDP would be addressed at the subsequent detailed planning stage.

In view of the above it is considered that, subject to the completion of a Section 75 Legal Agreement and the conditions within Appendix 1, the proposed development would comply with policies RES2, RES4, IND3, IND5 of the Adopted Local Development Plan. It is recommended that Planning Permission in Principle be granted.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
20 January 2015

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00626/PPPM

Grant (a) subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate, affordable housing contribution at a rate of 10%; and (b) 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 submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
3. 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.
4. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by (i) A Transportation Assessment; (ii) detailed proposals for the provision of structure planting along the northern boundary of the RES(17) residential part of the site; and (iii) a Noise Impact Assessment and Air Quality Assessment to assess the potential impact of the proposed manufacturing/production/warehousing facilities and road traffic on existing and proposed residential properties.
6. No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

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

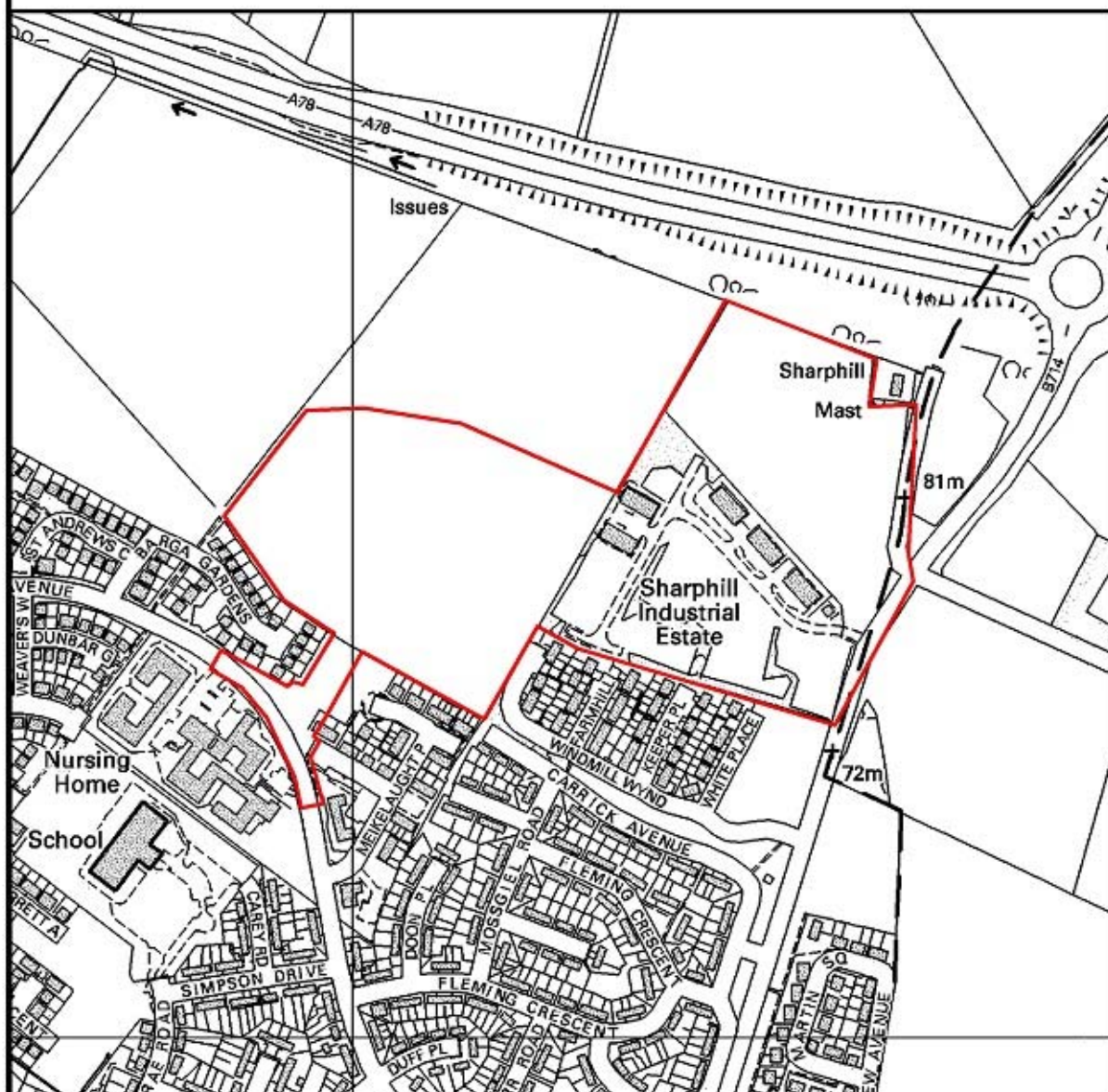
1. In order that these matters can be considered in detail.
2. To maintain control over the development in the interest of amenity.

3. To meet the requirements of Scottish Water.
4. To meet the requirements of North Ayrshire Council as Roads Authority.
5. To maintain control over the development in the interest of amenity.
6. In recognition of the archaeological significance of the site.

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Committee Plans

14/00626/PPPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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NORTH AYRSHIRE COUNCIL

Agenda Item 4

4 February 2015

Planning Committee

Subject: **Enforcement Notice - Farmfoods, Lamont Drive, Irvine**

Purpose: To seek approval to serve an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring the removal of an unauthorised second hand clothes collection facility and all associated apparatus

Recommendation: That the Committee approves the service of an Enforcement Notice to secure the removal of the unauthorised second hand clothes collection facility, and the re-instatement of the car park.

1. Introduction

- 1.1 This report recommends the service of an Enforcement Notice requiring the removal of an unauthorised second hand clothes collection facility, 'Cash 4 Clothes', within the car park of Farmfoods, Lamont Drive, Irvine.
- 1.2 The Farmfoods supermarket is situated on the east side of Ayr Road, immediately to the south of its junction with Lamont Drive. The second hand clothes collection facility operates from a cabin measuring approximately 5m x 3m on plan within the north-east corner of the supermarket car park. A Sainsbury's supermarket is located opposite Farmfoods on the west side of Ayr Road. It is understood that the clothes facility has been operating from the car park for approximately 6 months.
- 1.3 Planning permission was refused in November 2014 for a Timpsons Pod within the carpark of the Sainsbury's opposite Farmfoods as it was considered that it constituted an out of centre retail development contrary to the town centre policies of the adopted Local Development Plan, and on the grounds that such development would set an undesirable precedent for similar proposals which would have an adverse impact on the vitality and viability of the town centre (ref: 14/00627/PP).

- 1.4 The clothes facility is visible from Ayr Road which is a busy vehicular route at the south west edge of Irvine. There are brightly coloured advertisements on the cabin elevations. The cabin is a temporary structure that is out of keeping with the character and appearance of the surrounding area. As such, it is considered that its siting within the car park has an adverse impact on the character, appearance and local amenity of the area. The adopted North Ayrshire Local Development Plan states that proposals for retail development outwith the town centres will be resisted. The development would set an undesirable precedent for similar proposals, which would have an adverse impact on the vitality and viability of the town centre. It is noted that there are 'Cash 4 Clothes' premises in High Street within the core of the town centre which provides the same service.

2. Current Position

- 2.1 Both Cash 4 Clothes and Farmfoods have been advised that the siting of the cabin for the clothes recycling facility is unauthorised and for the above reasons, a planning application would not be supported. As such, both parties have been advised that the Council would consider Enforcement Action should the facility remain in place. Farmfoods have advised that they are agreeable for the matter to progress to formal enforcement and, on the event of a notice being served, will terminate the lease for use of the car park for Cash 4 Clothes.
- 2.1 A similar proposal, as discussed above, was refused within Sainsbury's car park during 2014 (ref: 14/00627/PP). The clothes cabin has been in situ for approximately 6 months and it is considered that the facility constitutes a similar type of out of centre development where there has been neither a sequential assessment nor any demonstration of an unmet local need. In addition, suitable sites/premises for such a development are likely to be available within the town centre which would meet both local needs and Irvine more generally. It is considered that the facility would also set an undesirable precedent for similar proposals, the result of which would be an adverse impact on the vitality and viability of the town centre. Furthermore, the cabin is not in keeping with the built environment in the locality, and detracts from the character and appearance of the area. Three car parking spaces have been removed to accommodate the cabin.

3. Proposals

3.1 In the interest of the amenity of the area and the vitality and viability of the town centre, it is recommended that Committee approves the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the following:-

- i) Cessation of use of the clothes recycling facility, removal of cabin and associated apparatus
- ii) Reinstate the ground to its former condition as part of the Farmfoods car park

4. Implications

Financial Implications

4.1 N/A

Human Resource Implications

4.2 N/A

Legal Implications

4.3 The proposed enforcement notice would be in accordance with Section 127 (1) of the Town and Country Planning (Scotland) Act 1997. There is a right of appeal against an Enforcement Notice. Such an appeal would be made to the Scottish Government's Directorate of Planning and Environmental Appeals. If the Notice is not appealed or an appeal is unsuccessful, then the Notice would come into effect. Non-compliance with a Notice is an offence for which those responsible for compliance can be reported to the Procurator Fiscal.

Equality Implications

4.4 N/A

Environmental and Sustainability Implications

4.5 N/A

Implications for Key Priorities

4.6 N/A

Community Benefit Implications

4.7 N/A

5. Consultations

N/A

6. Conclusion

- 6.1 Negotiations with the site owner and the tenant have not resulted in a voluntary resolution to this matter. Accordingly, it is considered that the service of an Enforcement Notice under S.127 of the Town and Country Planning (Scotland) Act 1997 is the only option left open to the Council to secure the removal of the unauthorised clothes collection facility at Farmfoods, Lamont Drive, Irvine.



KAREN YEOMANS
Executive Director (Economy and Communities)

Reference : FK/MS

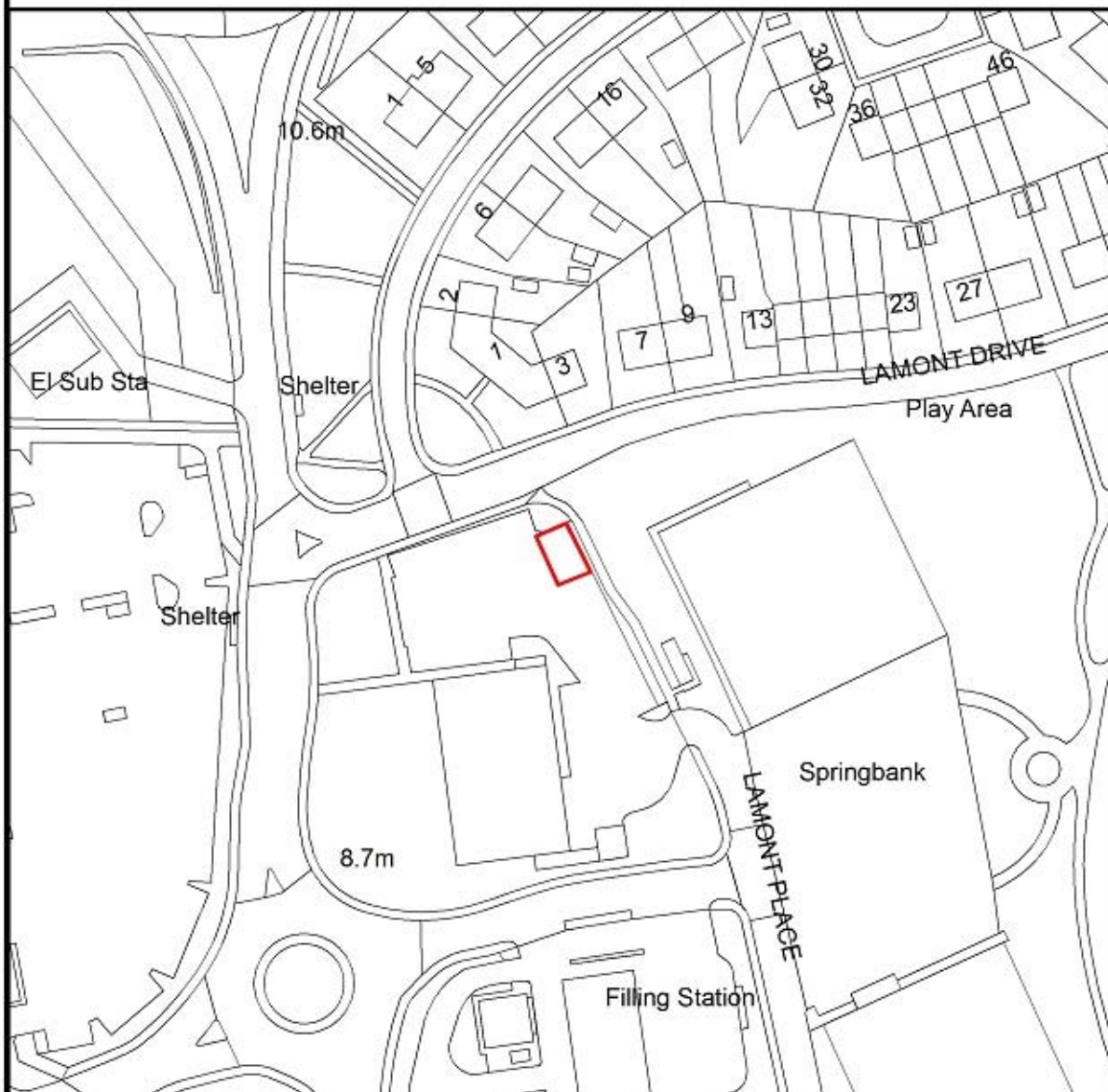
For further information please contact Fiona Knighton, Planning Officer on telephone number 01294 324313.

Background Papers

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Enforcement Notice

Lamont Drive, Irvine



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 5

4 February 2015

Planning Committee

Subject: **Scottish Government consultation on the land use planning aspects of the Seveso III Directive on the control of major-accident hazards**

Purpose: To consider the proposed changes set out in the above consultation paper

Recommendation: That the Committee approves the response to the consultation as set out in Appendix 1 to this report

1. Introduction

- 1.1 On 8 December 2014, the Scottish Government published the above consultation and are seeking comments by 2 March 2015. The consultation relates to implementation of the land use planning elements of European Directive 2012/18/EU (the Directive) on the control of major-accident hazards involving dangerous substances (referred to as hazardous substances in domestic legislation) - also known as the Seveso III Directive.
- 1.2 The Seveso III Directive on the control of major-accident hazards involving dangerous substances includes certain requirements relating to land use planning. These relate to the location of sites with hazardous substances (the term used in domestic legislation for 'dangerous substances') and the proximity of other developments or environmentally sensitive sites which could be the source or increase the likelihood of a major accident. The consultation includes draft provisions for applications for hazardous substances consent and related enforcement and appeal provisions, as well as public participation provisions for related planning permissions and requirements regarding land use planning policies and plans and programmes.

- 1.3 The Scottish Government is required to implement the land use planning aspects of the Directive by 1 June 2015. The main reason for the new version of this Directive are changes in the European chemical classification system, which are also to be implemented by 1 June 2015. New public participation requirements have also been included in the Directive to bring it into line with the Aarhus Convention (United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).

2. Current Position

- 2.1 The current requirements, as set out in the previous (Seveso II) Directive, are mainly implemented through the Control of Major Accident Hazard Regulations 1999 (COMAH Regulations). Those Regulations deal with on-site safety measures, requirements for the inspection of sites, and the preparation of site safety plans and emergency plans. The COMAH Regulations apply to Great Britain and in Scotland are enforced by the 'COMAH competent authority'. This authority jointly comprises the Scottish Environmental Protection Agency (SEPA) and the Health and Safety Executive (HSE). In North Ayrshire, there are a total of 6 COMAH sites, with 175 in Scotland as a whole. The North Ayrshire COMAH sites include pharmaceutical plants, explosives works and bonded warehouse complexes. These include Glaxo Smithkline and Barony Universal Products (both Irvine), Chemring (Ardeer), DSM (Dalry), Chivas Regal Willowyard and Balgray bonds (both Beith). In addition, there are other establishments in North Ayrshire which hold quantities of hazardous substances below the thresholds for COMAH.
- 2.2 The land use planning aspects of the Directive seek to minimise the risks of major accidents that involve hazardous substances and limit their consequences for human health and the environment, in part, by keeping appropriate distances between establishments (ie. sites with hazardous substances) and other developments and sensitive sites.
- 2.3 Under the Planning (Hazardous Substances) (Scotland) Act 1997 and the Town and Country Planning (Hazardous Substances) (Scotland) Regulations 1993, the presence of substances listed in the latter at or above the controlled quantities requires a hazardous substances consent from the planning authority. The Planning Authority, in consultation with HSE, SEPA and other bodies, consider the potential risks to human health and the environment associated with the presence of the substances and the potential impacts on existing and proposed surrounding land uses. Application procedures include public engagement and opportunities for public representations to be included in the consideration.

- 2.4 Where hazardous substances consent is granted by the planning authority, then a consultation zone is set by the HSE around the major hazard site. A planning authority is required to consult with HSE and others when considering certain planning applications for development that fall within a consultation zone. This procedure allows the impacts of the presence of hazardous substances for human health and the environment to be assessed when proposals for future development are considered and local development plans formulated.

3. Proposals

- 3.1 The main changes being made in implementing the Directive include:
- A new schedule of substances and thresholds requiring hazardous substances consent and related transitional arrangements regarding consents.
 - Amendment of application and appeal procedures for hazardous substances consent and for those planning permission cases within scope of the Directive to reflect public participation requirements.
- 3.2 It is also proposed to bring hazardous substances consent procedures further into line with modernised planning procedures.
- 3.3 It is not anticipated that there will be any significant increase in the number of applications for PHS consent. In North Ayrshire, there is typically one hazardous substances consent application per year, and between 20-30 for Scotland as a whole. The HSE advise that they do not anticipate any significant change in existing hazard consultation zones.
- 3.4 The draft Regulations update the wording of the current regulations, which date from 1993. As well as procedures for applications for hazardous substances consent, the draft Regulations include statutory requirements for procedures on dealing with enforcement, appeals and applications called in for determination by Scottish Ministers.

3.5 The new Regulations will also include:

- requirements for national planning policy documents to take account of the aims of the Directive;
- procedures on appeals and called-in applications in relation to relevant planning permission cases (not included in consultation draft);
- generic public participation requirements for the various means for granting planning permission for developments which are in scope - primarily developments in the vicinity of an establishment; and
- generic requirements for public participation in the preparation of plans and programmes for developments within scope of the Directive.

4. Implications

Financial Implications

- 4.1 It is proposed that the processing fee would be increased from £200 to £400. In addition, the arrangements for neighbour notification would be transferred from the applicant to the planning authority, bringing the procedure into line with the arrangements for planning applications. It is anticipated that the greater cost associated with neighbour notification would be offset by the increased application fee.

Human Resource Implications

- 4.2 N/A

Legal Implications

- 4.3 The Council will be required to implement the revisions to the hazardous substances regulations in terms of its statutory planning functions.

Equality Implications

- 4.4 N/A

Environmental and Sustainability Implications

- 4.5 In order to meet the requirements of the Directive, the proposed changes to the hazardous substances legislation would amend the consultation requirements with Scottish Natural Heritage in relation to areas of natural sensitivity. The Directive requires member states to take account of the need, in the long term, to protect areas of particular natural sensitivity or interest in the vicinity of establishments.

Implications for Key Priorities

- 4.6 The proposed changes supports single outcome agreement local outcome 12a "Our environment is protected and enhanced."

Community Benefit Implications

- 4.7 N/A

5. Consultations

- 5.1 No consultations were required.

6. Conclusion

- 6.1 It is proposed that the Committee approves the response set out in Appendix 1 for issue to the Scottish Government.



KAREN YEOMANS

Executive Director (Economy and Communities)

Reference : AH

For further information please contact Mr Anthony Hume, Senior Development Management Officer on telephone number 01294 324318

Background Papers

Scottish Government Consultation on the land use planning aspects of the Seveso III Directive on the control of major-accident hazards (8 December 2014)

APPENDIX E – Respondent Information Form and List of Questions

RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately. A Word version of this form can be found at the entry for this consultation paper on:

<http://www.scotland.gov.uk/Topics/Built-Environment/planning/publications/consult>

1. Name/Organisation

Organisation Name

Planning Services, North Ayrshire Council

Title Mr ☒ Ms ☐ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Hume

Forename

Anthony

2. Postal Address

North Ayrshire Council

Planning Services

Cunninghame House

Irvine

Postcode KA12 8EE

Phone 01294 324 318

E: ahume@north-ayrshire.gov.uk

3. Permissions - I am responding as...

Individual

☐

Please

/ Group/Organisation

tick

as

X

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☒

Yes, make my response available, but not my name and address ☐

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site). Are you content for your **response** to be made available?

Please tick as appropriate

X Yes ☐ No

Yes, make my response ☐
and name available, but
not my address

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

X Yes

CONSULTATION QUESTIONS

Q1. Do you agree with the proposed approach to delivering the Directive's objectives through land use planning policies?

Agree **X** Disagree ☐

No comments.

Q2. Are you content with the approach to copying out the substances and thresholds in the Directive subject to the exceptions mentioned for LPG, LNG and Hydrogen? If not, please explain your answer.

Yes **X** No ☐

No comments.

Q3. Do you agree with the approach to transitional arrangements for sites currently not requiring consent (but which would from 1 June 2015) and those with consents? If not, please explain your answer.

Agree **X** Disagree ☐

No comments.

Q4. Do you agree with the approach to exemptions from the need for hazardous substances consent? If not, please explain your answer.

Agree **X** Disagree ☐

No comments.

Q5. Do you agree with the approach to establishments changing tier? If not, please explain your answer.

Agree **X** Disagree ☐

No comments.

Q6. Do you agree with the approach to the content of applications for hazardous substances consent? If not, please explain your answer.

Agree **X** Disagree ☐

No comments.

Q7. Do you agree with the approach to taking additional technical measures into account? If not, please explain your answer.

Agree **X** Disagree ☐

No comments.

Q8. Do you agree with the approach to protecting the area around establishments? If not, please explain your answer.

Agree ☒ Disagree ☐

No comments.

Q9. Do you agree with the approach to implementing the public participation elements of the Directive with regard to decisions on individual projects and plans and programmes? If not, please explain your answer.

Agree ☒ Disagree ☐

No comments.

Q10. Do you think the responsibility for public notices and neighbour notification for PHS consent should be transferred to planning authorities? Please explain your answer.

Yes ☒ No ☐

This would reduce confusion/conflict between different parts of the planning system.

Q11. Do you agree with the approach to updating hazardous substances application and appeal procedures? If not, please explain your answer.

Agree ☒ Disagree ☐

No comments.

Q12. Do you agree with the removal of the ability to appeal against hazardous substances contravention notices on the grounds that such consent should be granted for the breach? If not, please explain your answer.

Agree ☒ Disagree ☐

No comments.

Q13. Do you think the current level of fees remains appropriate? If not, what should they be and why?

Yes ☐ No ☒

The fee should be increased to reflect the increased costs of administration, as has happened with all other fees in the planning system over the years.

Q14. If responsibility for public notices and neighbour notification were transferred to planning authorities should fees increase? If yes, please describe the level of increase and the cost justifications.

Yes ☒ No ☐

In addition to the general increase in administration costs which planning authorities have to fund from non-fee income, the transfer of neighbour notification requirements would add further to the

costs incurred by planning authorities in administering PHS consents. The doubling of the fee, which is at a low base level, is therefore fully justified.

Q15. Do you agree with the approach to transitional arrangements in relation to cases – e.g. applications and appeals – underway prior to 1 June 2015 but not determined by that date? If not, please explain your answer.

Agree ☒ Disagree ☐

No comments.

Q16. Do you have concerns about unimplemented or redundant hazardous substances consent? If so, what are they?

Yes ☐ No ☒

No comments.

Q17. What changes would you like to see to powers, procedures and/or guidance to address these concerns?

More guidance is needed with respect to the methodology adopted for the preparation of consultation zones by HSE and more consultation with local communities is required in this respect. This would help to improve understanding of the issues raised, especially when neighbouring land is designated as being within a consultation zone without any local consultation.

Q18. Do you have any additional comments on any issues mentioned in this consultation paper?

No further comments.

Q19. Do you have any comments on or information to help inform the Business Regulatory Impact Assessment?

No.

Q20. In relation to the partial Equality Impact Assessment, please tell us about any potential impacts, either positive or negative, you feel the proposals in this consultation document may have on any particular groups of people.

None.

Q21. In relation to the partial Equality Impact Assessment, please tell us what potential there may be within these proposals to advance equality of opportunity between different groups and to foster good relations between different groups.

None.

Q22.

a. Does your site already have a hazardous substances consent?

Yes ☐ No ☐ N/A

b. If yes, do you have more than one consent?

N/A

Q23.

a. Will the changes in the schedule of substances lead to your site moving from a lower tier to an upper tier or vice versa?

Yes ☐ No ☐ N/A

b. If yes, please provide details/reasons for the move.

N/A

Q24. Do you anticipate you will use the transitional arrangements for consents (paragraphs 23 to 27 of the consultation paper)?

Yes ☐ No ☒