



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

17 April 2014

Planning Committee

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in Committee Room 1, Cunninghame House, Irvine on **WEDNESDAY 23 APRIL 2014** 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 the meeting of the Committee held on 19 March 2014 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. Garnock Valley

Submit report on the following application:

13/00501/PPPM Site to the east of 7-9 Beith Road, Glengarnock, Beith
Erection of residential development.

(copy enclosed)

4. Irvine/Kilwinning

Submit report on the following applications:

4.1 13/00667/PPM Site to north east of The Grange, Perceton, Irvine
Erection of 172 dwellings with associated roads and landscaping.

4.2 13/00038/PPPM West Byrehill Industrial Estate, Byrehill Place, Kilwinning
Off-site employment space improvements at Nethermaines and South Newmoor Industrial Estates.

(copies enclosed)

5. North Coast and Cumbraes

Submit report on the following application:

14/00164/PP Hunterston Construction Yard, Fairlie
Vary Conditions 7, 9 and 10 of Planning Permission 11/00679/PPM.

(copy enclosed)

6. Enforcement Notice: West Kilbride: 10 Avondale Road

Submit report by the Corporate Director (Development & Environment) on an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring cessation of unauthorised business use (copy enclosed).

7. Ardrossan North Shore Design Principles

Submit report by the Corporate Director (Development & Environment) on design principles to guide the future development of the Ardrossan North Shore site (copy enclosed).

8. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
19 March 2014

IRVINE, 19 March 2014 - 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, Jim Montgomerie and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) (Development and Environment); and A. Craig, Team Manager (Litigation) and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Ronnie McNicol,

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 meeting of the Committee held on 26 February 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. North Coast and Cumbraes

14/00087/PP : 9 Union Street, Largs

Childcare Scotland, 24 Kilwinning Road, Irvine have applied for an amendment to Planning Permission (ref. 03/00986/PP) to increase the number of children served by the nursery at 9 Union Street, Largs, from 35 to 48.

The Senior Manager (Planning, Transportation and Regeneration) advised on the receipt of a further consultation response, which raised no objections.

The Committee agreed to grant the application.

4. Irvine/Kilwinning

14/00002/TPO : 2 Shewalton Moss, Drybridge, Irvine

Mr John Ferris, 2 Shewalton Moss, Drybridge, Irvine has applied for permission for the felling of sycamore tree within an area covered by Irvine No 1 Tree Preservation Order.

The Committee agreed to refuse the application on the following ground:-

1. That the applicant has failed to provide sound arboricultural reasons for the felling of the tree which would therefore constitute unnecessary tree works which would (i) detract from the character and amenity of the surrounding area; and (ii) set an undesirable precedent for other unnecessary works to trees protected by Tree Preservation Orders.

5. Notice under Section 14 of the Land Reform (Scotland) Act 2003, Montgreenan Mansion House Hotel, Montgreenan, Kilwinning

Submitted report by the Corporate Director (Development and Environment) on a Notice under Section 14 (2) of the Land Reform (Scotland) Act 2003 to remove the signs which have the purpose of preventing or deterring persons entitled to exercise the right of responsible access under the Land Reform (Scotland) Act 2003, at Montgreenan Mansion House Hotel, Montgreenan, Kilwinning.

With reference to the "Background" section of Appendix 1 to the report, the two public places linked to the main driveway to the property, were the C126 and C120.

The Committee agreed to approve the serving of the Notice under Section 14 (2) of the Land Reform (Scotland) Act 2003 to remove the signs which have the purpose of preventing or deterring persons entitled to exercise the right of responsible access under the Land Reform (Scotland) Act 2003, at Montgreenan Mansion House Hotel, Montgreenan, Kilwinning.

6. Planning Performance Framework

Submitted report by the Corporate Director (Development and Environment) on feedback from the Scottish Government on the Planning Performance Framework 2 (PPF2).

Appendix 1 to the report contained a letter dated 11 December 2013 from the Minister for Local Government and Planning on feedback in relation to the Council's second annual Planning Performance Framework report. The Feedback Report itself was set out at Appendix 2 to the report and forms the basis of the proposed action programme arising from comments on PPF2. Section 2 of the report summarised the main areas of feedback received.

The action points arising from the feedback report will be addressed within the next PPF and through the pending adoption of the North Ayrshire Council Local Development Plan.

The Committee agreed to (a) note the feedback; and (b) approve the action programme contained within Appendix 2 to the report.

The Meeting ended at 2.25 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

Planning Area

**23 April 2014
Garnock Valley**Reference
Application
Registered
Decision Due
Ward**13/00501/PPPM
21st August 2013

21st December 2013
Kilbirnie and Beith**

Recommendation	Agree subject to Conditions contained in Appendix 1
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Location	Site to the east of 7-9 Beith Road Glengarnock Beith
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Applicant	Hallam Land Management Suite 2-L Willow House Kestrel View Strathclyde Business Park
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Proposal	Erection of residential development.
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1. Description

This is an application, in principle, for a residential development at a site to the east of 7-9 Beith Road, Glengarnock. A further application on the matters specified in conditions (MSC) would be required to address issues of detail. The Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 classes the proposed development as a major development as the site area exceeds 2 hectares. The application site is approximately 3.13 hectares and an indicative layout has been submitted, which shows the provision of 50 dwellings with access to be taken from Beith Road.

The application site relates to a large expanse of open fields, located approximately 1km south west of Beith to the south of Longbar, Glengarnock. The ground slopes away from the southern boundary at Beith Road (B777) to the residential properties at Longbar Avenue at the northern boundary. The proposed site would be accessed from Beith Road. The site is bounded to the north by Longbar Avenue and a pedestrian footpath to the east. Beith Road forms the south and west boundaries, beyond which, to the south, are residential properties.

The application site is located within an area of countryside in terms of the adopted North Ayrshire Local Plan (Excluding Isle of Arran). The proposal is, therefore, contrary to the development plan. However, on 4 April 2014, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption following the publication of the Reporter's recommendations into the Examination of the LDP. Policy RES 2 of the LDP allocates the application site for housing development. The LDP is moving towards adoption and is more up to date than the adopted Local Plan, which dates from 2005. Accordingly, the assessment of this application will be in terms of the Local Development Plan. The following LDP policies are of relevance:

Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development.

Policies PI 1 (Walking, Cycling and Public Transport), PI 8 (Drainage, SUDS and Flooding), PI13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

Planning permission, in principle, was refused in November 2009 (Ref: 13/00501/PPPM) for a residential development with an ancillary convenience retail shop, as contrary to Policy ENV1 (Development in the Countryside), RES1 (Housing Allocation), RES 2 (Additional Housing Sites (2003 to 2010)) and TC6 (Local Shops). It was also considered that the proposal was premature in advance on the emerging North Ayrshire Local Development Plan.

The following supporting information forms part of the submission.

Pre-Application Consultation (PAC) Report

A PAC report is required by the Development Management Regulations for all major planning applications. The report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant.

Design and Access Statement

A Design and Access Statement is required by the Development Management Regulations for all major planning applications. This document states that, although this is an application for planning permission in principle, the indicative layout demonstrates that the site could accommodate approx. 50 dwellings with the necessary access, infrastructure and open space, play areas and landscaping. Details of siting, design and landscaping will be submitted as a Matters Specified in Conditions application and will be consistent with the aims of the Scottish Government's Designing Streets and Designing Places policy statements which aims to raise the standards of design in urban and rural development.

Flood Risk Assessment (FRA) and Drainage Strategy (DS)

The SEPA Indicative River and Coastal Flooding Map which is based on a probability of flooding of 0.5%, or 1 in 200 year return period, indicates that the section of the Powgree Burn adjacent to the site is susceptible to flooding. The Type 1 FRA as detailed in the document confirms however, that the site is at low risk of flooding from fluvial, groundwater and pluvial flooding sources and that there would be no requirement to progress to a Type 2 or 3 Assessment. Detailed designs will be required in due course, however it is not anticipated that finished levels will relate closely to the existing site levels. SUDs is also discussed in the document including the possibility of a SUDs pond within the site.

Transport Statement (TS)

This document concluded that the site is well served by footways and cycling facilities and well placed for bus and rail facilities. Trip generation capacity and impact of the proposed development is considered to be minimal through calculations based on the land-use mix and modest scale. It is considered that an updated Statement would be required at the MSC stage. This matter can be addressed by condition.

Phase 1 Habitat Survey

There are no protected species within the site. This document recommends that pre-start checks for any evidence of protected species and that any ground works/scrub clearance should be carried out during September to February to avoid the bird nesting season. In the event of scrub clearance not being completed by the end of February, nest checks will be needed from March to August in advance of any site clearance works. Landscape design should retain and enhance the boundaries of the site to link adjacent habitats and create wildlife corridors. Landscape design should utilise native species by preference. Species can be selected where they have value to wildlife, e.g fruit, nut, seed bearing, and other species should be included sparingly. If the aforementioned recommendations are followed this would retain habitat linkage for bats if they are commuting or foraging around the site.

Archaeological Mitigation, Method Statement

This Method Statement provides the detail of the works (investigation and reporting) for the mitigation pertaining to all ground breaking works.

2. Consultations and Representations

Neighbour notification was undertaken on 23 August 2013. The application was also advertised for the purposes of neighbour notification and as contrary to the Local Plan at the time of validation. The neighbour notification expired on 11 September 2013 and press advert expired on 19 September 2013. One letter of support was received. Three objections were also received and can be summarised as follows:

1. This is a green field site where there is wildlife. There are several species of hawks, tawny owls.

Response - Scottish Natural Heritage (SNH) was consulted and no specific comments were made. A Phase 1 Habitat Survey has been carried out and identified that there are no protective species occupying the site. The survey also recommends that landscape design should retain and enhance the boundaries of the site to link adjacent habitats and create wildlife corridors. Landscape design should utilise native species by preference. Whilst some habitats may be affected by the proposal, many new habitats would be created as a result of the development.

2. The road outside the properties adjacent to the site is very dangerous at certain times of the day and in bad weather the drains cannot cope with the volume of water on the road. There are also problems with speeding on the B777 and the provision of access for 50 dwellings will increase the risk of serious accidents to road users, pedestrians and properties.

Response: - Development Planning Services (Roads) had no objections to the proposal which was supported by a Transport Assessment (TA). The issue of speeding motorists on the public road is a matter for the police to consider.

3. The properties would overlook the residential properties adjacent to the site. The dwellings should also have a traditional design and finish.

Response: - This is an application for planning permission in principle and potential privacy issues cannot be assessed at this time. Full details of design, finish and possible privacy issues can be considered at the time of a subsequent detailed application.

4. The indicative layout shows reasonable areas of open space. If the proposed number of properties is increased from 50, the impact on visual amenity may be considerable as well of reducing the provision of open space within the development.

Response: - The LDP gives an indicative capacity for 60 units. It is considered that the site could comfortably accommodate approx. 50-60 units. Full details of design and layout can be considered that the time of a subsequent detailed application.

In support, there was no objection subject to no more than the 50 houses as indicated in the supporting plans, which could fit comfortably in to the site.

Consultations

Environmental Health: - No objections. Prior to the commencement of the development, the applicants shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. Standard advice also given with regards to waste management and demolition/construction.

Response: Noted. This could be addressed with the imposition of an appropriate condition and informative.

SEPA: - No objections. The following comments were provided.

Flood Risk

A basic Flood Risk Assessment (FRA) has been submitted in support of the proposed development. Based on the assumption that the management measures proposed (using natural topography, provision of storm water attenuation and limited discharge) will be fully implemented, SEPA would again agree with the FRA findings that pluvial flooding risk is relatively low.

Drainage Strategy

As the surface water drainage from the site is to be discharged to the public sewerage system, the applicant should consult with Scottish Water as it is for them to determine what is acceptable.

Response: Noted. It is considered appropriate to attach a condition to ensure that an updated FRA and Drainage Strategy is submitted for consideration as part of the subsequent detailed application. An informative can also be attached requiring that the applicant contact Scottish Water directly with respect to surface water discharge to the public sewerage system.

North Ayrshire Council Flooding Engineer: - No objections in principle on flooding grounds. The Drainage Strategy is also acceptable in principle. However, the applicant should confirm with Scottish Water whether surface water is allowed into the public sewer.

Response: It is considered appropriate to attach a condition to ensure that an updated FRA and Drainage Strategy is submitted for consideration as part of the subsequent detailed application. An informative can also be attached requiring that the applicant contact Scottish Water directly with respect to surface water discharge to the public sewerage system.

Scottish Water: No objections. Any planning approval does not guarantee a connection into Scottish Water infrastructure. Approval for connection can only be given when the appropriate detailed application and technical details have been received. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Response: The issue of SUDs can be addressed through the imposition of an appropriate condition. An informative can also be attached requiring the applicant to contact Scottish Water directly with respect to surface water discharge to the public sewerage system.

Scottish Natural Heritage: - No comments.

Response: Noted.

Kilbirnie and Glengarnock Community Council - support the application as part of the regeneration of Longbar.

Scottish Wildlife Trust - no response.

Scottish Power - no response.

North Ayrshire Council Education: - No objections. With the LDP indicative capacity of 60 units and the likely rate of around 20 units per annum, the four catchment schools, Glengarnock, St Palladius Primaries, Garnock and St Mathew's Academies would have sufficient capacity to cope with the expected pupil numbers from this development.

Response: - Noted.

West of Scotland Archaeology Service: - No objections. There are no recorded sites within the proposed development area. However, because the proposed development is located on previously undeveloped land, there is potential for there being significant unrecorded sub-surface archaeological deposits present within the area. It is considered that the programme of work outlined in the Archaeological Mitigation Method Statement would represent an appropriate method of assessing whether significant archaeological material is present within the plot, and provides suitable methods of mitigating the impact of development on this material, should this prove necessary. A condition that no development shall take place within the 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 the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.

Response: Noted. This could be addressed with the imposition of an appropriate planning condition.

North Ayrshire Council Development Planning Services (Roads):- No objections. Vehicles entering and exiting the proposed development will impact on the residents of 3 to 10 Beith Road, therefore additional measures will be required to reduce the vehicular impact. The location of the proposed junction is located on a gradient approximately 60m from the commencement of the 30mph speed limit. The increased number of turning vehicles created by this development has led to the need to highlight the speed limit. Therefore, the applicant will be required to install a physical gateway measure in the form of islands and countdown markers. Conditions with respect to the formation of a footway/cycleway to the front of the site, minimum carriageway width along the length of the B777, the installation of a physical gateway measure at the existing 30mph speed limit and upgrading of existing street lighting to accommodate new junction arrangements and footways.

Response: Noted. These matters could be addressed by the imposition of appropriate planning conditions.

North Ayrshire Council Access Officer : - No objections. The provision of paths within the development is welcomed and further details should be provided. A path with a minimum width of 3m should be provided along the frontage of the site. The alignment of the off-road replacement for the National Cycle Network Route 7 identified within the Fig. 3.3 of the Transport Statement is incorrect and should be revised.

Response: *Noted. The provision of paths within the site and along the site frontage could be addressed by the imposition of an appropriate planning conditions. A condition requiring the submission of an updated Transport Statement would be required.*

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions by planning authorities shall be in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Plan (excluding Isle of Arran) is the development plan, which is now considered to be out of date in relation to this proposal. As noted above, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption on 4 April 2014 following the publication of the Reporter's recommendations into the Examination of the LDP.

Policy RES 2 of the LDP allocates the application site for housing development. The site is identified in table 1 and on the LDP maps for market housing to meet the identified housing requirements of 2025 (Policy RES 2 Additional Housing sites), gives an indicative capacity of 60 units, and requires that mitigation against the any unacceptable adverse impacts on infrastructure, arising as a result of the sites developments undertaken. Indicative requirements for infrastructure are set out in the Action Programme. In relation to this site no educational restraints are identified, access can be taken from Beith Road, and an updated Flood Risk Assessment and development brief would be required. These matters can be addressed by condition.

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

In order to comply with Policy PI8 (Drainage, SUDS and Flooding), conditions can be attached requiring that the following matters are included in any MSC submission: a comprehensive Drainage Strategy, that SUDS techniques are incorporated; that a detailed Flood Risk Assessment (FRA) be completed, It is considered that the proposals are acceptable in principle and that detailed assessment shall take place at the MSC stage.

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

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that these aims can be addressed at the MSC stage. However, a condition could be applied to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents and the Council's Neighbourhood Design Guidance.

A development brief for the site has not been prepared to date. However it is considered that detailed design matters can be considered adequately as part of an MSC application.

In conclusion, it is considered that the proposal accords with the relevant provisions of the approved Local Development Plan and it is recommended that planning permission, in principle, is granted subject to the conditions in Appendix 1.

4. Full Recommendation

Grant per Conditions.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
14 November 2013

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

FK/SLP

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00501/PPPM

Grant subject to the following conditions:-

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

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed.
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site including an updated Transport Strategy;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;
- (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

2. That the application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:-

- (a) expiry of 3 years from when permission in principle was granted
- (b) expiry of 6 months from date when an earlier application for approval was refused, and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters, and
- (ii) different parts of the development

at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the 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 Design Guidance to the satisfaction of North Ayrshire Council as Planning Authority.
4. 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.
5. That no development shall take place within the development site as outlined in red on the approved plan 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 in consultation with 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.
6. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.
7. That a 3m wide footway/cycleway shall be provided along the frontage of the site and 2m wide footway shall be provided along the frontage of the residential dwellings of 3 to 10 Beith Road to the satisfaction of North Ayrshire Council as Planning Authority.
8. That a minimum carriageway width of between 6 to 7.3m shall be retained along the length of the B777 (Beith Road) fronting the site to the satisfaction of North Ayrshire Council as Planning Authority.
9. That a physical gateway measure in the form of islands and countdown markings shall be installed at the 30mph speed limit to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the existing street lighting shall be upgraded to accommodate the proposed junction arrangements and footways. For the avoidance of doubt, full details and timescales of works shall be submitted for the consideration and approval in writing by North Ayrshire Council as Planning Authority prior to the commencement of development.

11. That the recommendations within the Phase 1 Habitat Survey submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations implementations.

12. 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.

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

1. In order that these matters can be considered in detail.
2. To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. In order to ensure compliance with current national and local design guidance.
4. To ensure compliance with North Ayrshire Council policy and in the interests of adequate open space and play provision.
5. In recognition that the site is located on previously undeveloped land.
6. To secure a sustainable development.
7. To meet the requirements of North Ayrshire Council as Roads Authority.
8. To meet the requirements of North Ayrshire Council as Roads Authority.
9. To meet the requirements of North Ayrshire Council as Roads Authority.

10. To meet the requirements of North Ayrshire Council as Roads Authority.
11. In the interests of preserving flora and fauna.
12. To meet the requirements of Environmental Health.

Reason(s) for approval:

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

Committee Plans

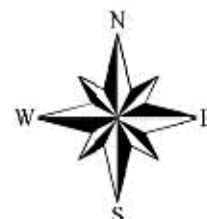
13/00501/PPPM



NORTH AYRSHIRE
COUNCIL

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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 4.1

Planning Committee

Planning Area

23 April 2014
Irvine/KilwinningReference
Application
Registered
Decision Due
Ward**13/00667/PPM**
19th November 2013**19th March 2014**
Irvine East

Recommendation	Agree to grant subject to (a) the applicants entering into a Section 75 obligation to secure an appropriate affordable housing contribution at a rate of 15%; and (b) the conditions contained in Appendix 1
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Location	Site to north east of The Grange, Perceton, Irvine
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Applicant	Dawn Homes Ltd 220 West George Street Glasgow
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Proposal	Erection of 172 dwellings with associated roads and landscaping
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1. Description

Planning permission is sought for a major residential development of 172 dwelling houses on a greenfield site to the north east of The Grange at Perceton in Irvine.

The site covers an area of 12.9 hectares and is currently in agricultural use. The site is bounded to the south by Old Stewarton Road and the B769; to the east by farmland; to the north by the wooded slopes which rise up from the Annick Water and to the west by existing residential development (The Grange). The Annick Water is at a lower level than the site, and includes a low lying floodplain area. The highest part of this floodplain is about 5m below the lowest part of the application site.

The site has an undulating landform and rises steeply to the east onto higher ground. The proposed development would comprise two distinct areas. The first area would be an urban extension of Perceton, comprising 165 mostly detached houses. A wide variety of house types has been proposed and discussions aimed at enhancing natural light levels and passive surveillance have resulted in additional side facing windows being added to many of the living rooms. External finishes remain to be finalised, but would typically include grey roof tiles, white render and buff facing brick. Architecturally, the houses would all feature a large front window with low cills for the living rooms, some with bay windows. Many of the houses would have driveways to the side; some would have integral garages. A number of bungalows are proposed, but most houses would have two storeys.

The proposed layout has adopted many of the Designing Streets principles aimed at creating an enhanced sense of place. The street pattern would include many interlinking roads and pedestrian pathways, centred on a common area of open space in the centre of the site linked to the housing via a landscaped spine path for pedestrians. Another area of common open space is proposed at the entrance to the site, where houses would face onto a green space. Greenspace has also been incorporated to the north west of the site where swales and a SUDS drainage pond would be incorporated to manage the rate of surface water run-off and provide treatment before discharge to the Annick Water. In addition, buffer planting is proposed along the south west boundary of the site with The Grange development. Access to the main development area would be from a new junction with the Old Stewarton Road. A new pedestrian footway to link with the existing footway network to the west of the site is proposed. This would include road narrowing 'nibs' to calm traffic and to assist pedestrians crossing the road.

The second development area, on the higher ground to the east of the site, would have a more rural theme. It is proposed to develop a small housing group with a farm steading character. Seven houses are proposed around three sides of a landscaped courtyard. To enhance the setting for this area, it is proposed to erect stone walls and plant traditional hedgerows to define the boundaries. The steading would include a larger "farmhouse" building flanked by lower houses designed to mimic the scale and siting of traditional barns. Specimen trees would be planted on the ground to the west creating an arboretum effect in order to define views from the housing through the landscape towards the mountains of Arran in the distance.

The application site is located within an area of countryside in terms of the adopted North Ayrshire Local Plan (Excluding Isle of Arran). The proposal is, therefore, contrary to the development plan. However, on 4 April 2014, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption following the publication of the Reporter's recommendations into the Examination of the LDP. Policy RES 2 of the LDP allocates the application site for housing development. The LDP is moving towards adoption and is more up to date than the adopted Local Plan, which dates from 2005. Accordingly, the assessment of this application will be in terms of the Local Development Plan. The following LDP policies are of relevance:

Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development.

Policy RES 4 (Affordable Housing) requires a 15% affordable housing contribution for housing development within Irvine and Kilwinning.

Policies PI 1 (Walking, Cycling and Public Transport), PI 8 (Drainage, SUDS and Flooding), PI13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

The allocation of the site for housing was promoted through the Proposed Local Development Plan in 2011. There is no history in terms of previous development or planning permissions. The updated status of the LDP enables this application to be determined.

The following supporting documents form part of the application:

Consultation Process with North Ayrshire Council

This report summarises the applicant's engagement with the Council prior to the submission of the application. The pre-application process included a Design Workshop, meetings and feedback sessions with key consultees.

Pre-Application Consultation (PAC) Report

A PAC report is required by the Development Management Regulations for all major planning applications. The report sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant in finalising the proposals.

Design and Access Statement

A Design and Access Statement is required by the Development Management Regulations for all major planning applications. The submitted Statement describes the design process followed by the applicant in formulating the proposal, with reference to various design principles and reference sources.

Other supporting documents include archaeology, engineering/traffic, SUDS/drainage and a flood risk assessment.

2. Consultations and Representations

Neighbour notification was undertaken on 10 December 2013 and the application was advertised in a local newspaper for neighbour notification purposes on 29 November 2013. Four letters of objection/representation have been received.

Objections/representations

1. With the significant increase of traffic entering and leaving the development, a traffic management system should be applied to the road running up to the development from The Grange, past Perceton House, The current 30 mile limit sign is ignored by the majority of drivers and road bumps should be put in to slow down traffic. Has there been any proposal for the addition of a crossing facility? There is no capacity for any paths to facilitate pedestrians walking to the north side of Old Stewarton Road, towards the Grange and or the direction of Perceton House. Can this be clarified?

Response: A new pavement would be provided in front of the site. To the west, a road narrowing "nib" would direct pedestrians to cross to the south side of the road. From this point, a further new length of pavement would be formed that would join onto the existing path at the end of Barclay Gardens. A second "nib" would also be formed at this point to improve the crossing point for The Grange. The nibs would also force drivers to "give way" to opposing traffic. The existing pavement to the front of Perceton House would then be used by pedestrians.

2. The main entrance to the new development should be from Middleton Road (B769) and if the development gets the go ahead, all heavy works traffic should use Middleton Road to deliver goods and building products.

Response: Whilst the entrance to the proposed seven house steading development would be directly from the B769, where there is a 60mph speed limit, this would not be appropriate for the main development of 165 houses. The main group of 165 houses would be served via a new access off the Old Stewarton Road where the speed limit is 30mph. Nonetheless, the proximity of the proposed access to the B769 is such that the most convenient driving route into the site from the rest of Irvine and beyond would be via the B769, thereby avoiding any significant build-up of traffic to the west of the site on the Old Stewarton Road.

3. The new development would be more attractive to potential purchasers with some bungalows in the mix.

Response: The proposed development incorporates 11 bungalows.

4. It appears that there is no plan to build affordable housing within the development, as these will be built at another site in Irvine. Can this be confirmed?

Response: The view of Housing Services was sought and this matter remains under consideration. There are two options – one is off-site provision, the other would be provision of affordable housing (for social rent) within the site. The contribution rate would be 15%: accordingly, the development should secure around 26 affordable houses either within the site or elsewhere in Irvine.

5. The scale of the proposed development is not in accordance with 'North Ayrshire Council Agreed Housing Land Supply Audit 2012 to 2017' dated 31st March 2012. There is significant deviation from the current proposal for 172 houses and the earlier version of the Local Development Plan, which designated this site as having capacity for the development of 100 houses (Site NA1120). Consequently, the scale of this proposed development is objected to. The plans should be reconsidered to reduce the number of homes proposed to a number that is more consistent with the number of homes envisaged by the Local Development Plan.

Response: The indicative value of 100 was intended as a guide rather than an upper limit. The LDP does not act to limit the housing output of any allocated housing site to an indicative value generated during earlier stages of plan preparation. A planning application tests, in a more rigorous way, the number of housing units that would be acceptable for any given site through consultation with the general public and various other statutory agencies such as Transportation, Education, Housing, Scottish Water and so on. Therefore, whilst the proposal is for a significantly greater number of houses than was originally suggested, the various supporting studies and consultation exercise indicates that there is capacity to accommodate 172 houses at this location without overloading the infrastructure upon which the development depends. Finally, there is also a requirement for development to be viable in order that it can be delivered. On issues of viability, the judgement of the applicant, who is a commercial developer and has undertaken market research, requires to be taken into account.

6. As NAC are aware, the area proposed for development is high quality agricultural land. The site is also a significant nature corridor for a variety of species including a variety of wild birds (eg. owls, woodpeckers) and other wild animals. The change in use of this land, notwithstanding, it appears from the proposed site layout that the area shall require the felling of an existing established tree and hedge lines throughout the site and on the boundary running parallel with Annick Water and its replacement with new planting. Why is there no environmental impact assessment to ensure the proposed development is not adversely impacting the habitat of wildlife. Can NAC please confirm if Dawn Homes will be required to undertake and submit such a report in support of this planning application.

Response: The proposal would not have such significant effects on the environment as to warrant Environmental Impact Assessment. The woodland adjacent to the Annick Water would not be developed and new woodlands and trees would be planted, creating wildlife corridors as a result. Hedgerows would be retained wherever possible and new hedgerows planted. Whilst some habitats may be affected by the proposal, many new habitats would be created as a result of the development.

7. A treeline extends from the designated Historic Garden site of Annick Lodge. Consideration should be given to the impact the removal of this established treeline has on aspect of that historic site.

Response: The tree line is to the north of the site boundary and would not be affected by the proposed development.

8. There is not much detail provided in the documents submitted in support of this planning application on the design or intended recreational use of the SUDS area. However, it would appear that the designation of this area as a public space is likely to lead to this area being used as a landscaped recreational area. Concerns are expressed about the proximity of this area to the rear of existing housing at The Grange, particularly in view of a history of anti-social behaviour problems by youths who visit the area north of the Annick Water during spring and summer months. If the SUDS area is designed either as a recreation park or play park, this problem would be exacerbated. Additional buffer planting of several metres of trees would certainly help mitigate some of this impact.

Response: Based on the levels of rainfall throughout the year, the SUDS pond is likely to have water in it at all times. SUDS ponds provide opportunities for passive recreation and wildlife. However, there will be no play park or active open space area provided near the SUDS pond and swales. Buffer planting is already indicated on the submitted layout drawings. A detailed landscaping scheme for this area is still to be worked up and this would be covered by a planning condition. The buffer planting scheme can take into account the proximity of nearby housing in order to provide mitigation of any perceived adverse impacts. Anti-social behaviour would be a matter for the Police.

9. A foul water discharge is noted on the drainage drawing between the rear of The Grange and the SUDS pond. Just what are the implications of this in terms of foul odour?

Response: The annotations on the drawing appear to be misleading in this respect, but should not be taken to imply that foul water will discharge onto the site. In order to comply with the requirements of Scottish Water, no foul water will be permitted to discharge onto any part of the site. All foul water will be piped to the public sewer for treatment at Meadowhead.

10. Is there capacity within local schools for the additional pupil count that this proposed development will create?

Response: Education & Skills has confirmed that the local schools have sufficient capacity to accommodate any additional pupils moving into the area as a result of the proposed development.

11. What amenities, if any, are being proposed to facilitate such a large development?

Response: The site would have its own children's play area, paths and open space for recreation. There would be no other amenities provided within the site.

12. With the additional number of vehicles attempting to use the suggested access point, it may be more prudent and safe to consider implementing a roundabout at the junction with the B769. Have these factors been proposed or considered?

Response: A roundabout was considered at an earlier stage in the design process and discussed with Roads & Transportation. It was considered that a roundabout would have created more hazards for safe pedestrian movement than a conventional priority junction, which also has the effect of reducing vehicle speeds.

Consultations

North Ayrshire Council Access Officer - The provision of a link path between the main entrance to the site and the existing footway network would ensure that the application complies with Policy PI 1 Walking, Cycling and Public Transport of the Local Development Plan. This path should be constructed to a standard to provide for all abilities access and multi user access i.e. by walkers and cyclists. The provision of the link path to the section of the development accessed from Middleton Road and the paths through the open space network are welcomed. These paths should also be constructed to a standard to provide for all abilities access and multi user access i.e. by walkers and cyclists.

Response: Noted. A condition can be imposed to ensure that the paths are constructed to all abilities and multi user access standards.

North Ayrshire Council Education & Skills – Advise that the roll projection shows that the catchment schools currently have sufficient capacity to accommodate pupils from this proposed development.

Response: Noted. The above comments were based on the developer's estimated build rate of 15 dwellings in the first year and 10 dwellings thereafter.

North Ayrshire Council Flooding Officer – No objections.

Response – Noted. The FRA demonstrates that the site is not at risk of flooding from either the Annick Water or the small unnamed stream along part of the northern boundary.

North Ayrshire Council Housing - a commuted sum may not be the preferred contribution option given the size of the development. Considering the size of this project, Housing wish to pursue some sort of completed unit contribution. However, until such time as the valuations are submitted, Housing cannot commit to anything. To date, the applicants have approached Housing regarding the valuations, and their choice of valuer has been approved.

Response – Noted. In view of the potential timescale for the resolution of this issue, the developer has been asked to enter into a Section 75 obligation.

North Ayrshire Council Roads and Transportation – no objections. As part of the pre-application discussions, the applicant carried out extensive consultation with Transportation. The requirement placed on the applicant was to design the streets to cater for the level of vehicular movement, establish appropriate widths, design for a maximum speed of 20mph and provide for pedestrians where vehicle flows increase. This joint approach to working has examined all infrastructure requirements and impacts on the adjacent public roads to such an extent that the submitted layout is agreeable. However, after considering the finer movement functions within the site, the street in front of plots 126 to 129 could benefit from a short length of widened road to permit a passing place. Also the street to the side of plots 5 and 34 would benefit from a short length of narrow road to reduce potential speeds in excess of 20mph. Given the volume of vehicular movement expected on streets fronting plots 126 to 129 and 38 to 42 (between 20 and 25 peak hour vehicle movements) it may be beneficial to provide a pedestrian at level demarcation zone.

The above comments are intended as advice to improve the movement functions for both pedestrians and vehicles. No conditions are to be attached as these matters can be addressed at the construction consent stage.

Response: Several minor amendments to the layout have been submitted since the above comments were received. As noted above, these requirements can be fully resolved at the construction consent stage.

Glasgow Prestwick Airport - no objection to this proposed development on statutory safeguarding grounds.

Response: Noted.

Scottish Water – No objections. Advise that no guarantee of a connection to Scottish Water's infrastructure is given, but that Meadowhead WWTW currently has capacity to service the development in relation to waste water treatment. The Bradan Water Treatment Works currently has capacity to service the proposed development. Initial investigations have highlighted that there may be a requirement for the Developer to carry out works on the local network to ensure there is no loss of service to existing customers. A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Response – A condition can be attached requiring that SUDS are incorporated and informatives can advise the applicant to contact Scottish Water for guidance and regulatory advice.

SEPA – No objection on flood risk grounds provided that, should the Planning Authority be minded to approve this application, the following planning conditions are imposed:

No built development should be located on top of the culverted field drain either in its existing state/route or future state/route if the culvert is diverted and replaced.

SEPA also strongly recommended that consideration is given to restoring the culverted drain as an open watercourse. Should this not be viable, any new culvert should be designed appropriately to ensure that the 1 in 200 year flow can be conveyed.

Response: The site layout drawing indicates that no built development would be located on top of the culvert in its current route: the line of the culvert would generally follow the line of the pedestrian spine path through much of the development. Furthermore, it is not proposed to restore the culvert to an open watercourse, since this would introduce a significant water hazard adjacent to the pedestrian spine path. Whilst noting SEPA's preference for an open watercourse instead of retaining the culvert, it is considered that the current proposals would be in the best interests of safety given the design of the development as a family housing estate.

Strathclyde Partnership for Transport (SPT) - as the Regional Transport Partnership for the west of Scotland, SPT has considered this application in line with the Regional Transport Strategy towards achieving Improved Connectivity; Access for All; Reduced Emissions; and Attractive, Seamless, Reliable Travel.

There are bus services operating within reasonable walking distance of the site. While there is a pair of bus stops on the main road adjacent to the entrance to The Grange, these are over 400m from the majority of the site. If permission is granted for this development we would suggest that a condition is attached requiring the erection of an additional pair of bus stops in close proximity to the entrance to this site. Infrastructure provision should include pedestrian access, hardstanding, a raised kerb, a flag with information panel, and a shelter with an electrical supply. The exact location of the bus stops should be agreed with North Ayrshire Council, SPT and Police Scotland.

SPT note that there is currently no footway on Old Stewarton Road off which the site access is to be taken. To facilitate connections with exiting residential areas we would suggest that a footway should be provided between the development site and the end of the existing footway to east of the entrance to Perceton House.

In addition a condition should be attached to any consent requiring the provision of travel information packs, covering public transport and active travel options, for each dwelling, prior to occupation. This would highlight the travel options available to residents, beyond the use of the private car.

Response: Conditions can be attached to meet the requirements of SPT. A new length of footway would be constructed to the west of the site (on the south side of the road) in order to link the development into the existing footpath network in the area.

West of Scotland Archaeology Service – No objections. Advise that two sites have been recorded from within the boundaries of the proposed development area. A circular structure annotated as a limekiln was shown on the 1st edition Ordnance Survey map of the mid-19th century, close to the eastern boundary of the plot. The second site identified from within the plot also appeared on the 1st edition, at the extreme western boundary of the prospective development area. These represent elements of the water management system associated with the former Perceton Mill. A dam and sluice were shown, apparently used to draw off water from the Annick Water into a mill lade that supplied power to the mill. A feature that may represent the sluice is shown on current OS maps of the area at the northern end of the mill lade, though it is not annotated as such, while the line of the lade itself forms the western boundary of the plot.

In addition, perhaps the most significant archaeological issue would relate to the fact that the site as a whole has not been substantially affected by modern development, meaning that it would retain the potential to produce previously unrecorded buried deposits relating to occupation from prehistory onwards. Certainly, there is evidence for early occupation in the vicinity. Lawthorn Mount, on the opposite side of the Annick Water, has been interpreted as a possible barrow or cairn, though it has also been suggested that it could represent the remains of a motte.

There is also a reasonable potential for material associated with occupation during the medieval period to be present. The proposed development lies in an area of archaeological potential associated with the proximity of the nearby sites of Perceton House and Perceton parish church, which date to the medieval period. There is a documentary record to a medieval settlement at Perceton, which was styled the 'ancient village of Perceton' in a charter of 1456, though nothing more is known of its location or origins.

A programme of evaluation trenching was undertaken in November 2000 in relation to a previous application for the erection of houses in the area to the southwest of the current proposal. This took place under a condition attached to planning consent N/99/02142/PP, and identified the remains of a palisade enclosing a substantial timber building accessed through a defended entrance. The residence was believed to be of relatively high status, and pottery dating was consistent with it originating in the 14th century following the seizure and redistribution of the Perceton lands by Robert the Bruce.

Government policy, as set out Scottish Planning Policy, is to protect and preserve heritage assets wherever feasible and, as such, they are material considerations in the planning process. Where preservation proves impossible, planning authorities should ensure that procedures are in place in order that appropriate recording is undertaken before and/or during development.

In keeping with the recommended procedure in PAN 2/2011, it is recommended that a prior archaeological evaluation of the previously undisturbed sections of the proposed development area be carried out before the planning authority determines the planning application. WSAS advise that a trial trenching programme consisting of a distributed 8% sample of the application area should be conducted by an appropriate archaeological contractor. WSAS should be notified at least 14 days in advance of the start of any evaluation in order to facilitate monitoring of the work.

In the event that a prior evaluation is not carried out for any reason, the alternative would be to attach a condition to the consent if granted. This approach was adopted in relation to application N/99/02142/PP. WSAS recommends the following draft wording, which reflects recent experience and current best practice:

"No development shall take place within the development site as outlined in red on the approved plan 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 the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service."

The use of such a condition allows the potentially complex archaeological issues to be addressed in detail after the principle of development has been accepted, but of necessity, limits the opportunities to amend designs or operations to achieve the preferred preservation of remains in situ. This means that it is more likely that any important remains within the development boundary will have to be excavated under archaeological conditions prior to their destruction by the approved development. Attachment of the condition without a prior evaluation also does not allow the developer to quantify any financial risk associated with the potential archaeological issue at an early stage in his development planning.

Response – Noted. The matter has been raised with the applicant's agent who has indicated a strong preference for a negative suspensive condition rather than prior evaluation of the site. Having considered the matter, the preferred approach in this case would be for a negative suspensive condition to be imposed.

Irvine Community Council – no comments.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions by planning authorities shall be in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Plan (excluding Isle of Arran) is the development plan, which is out of date in relation to this proposal. As noted above, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption on 4 April 2014 following the publication of the Reporter's recommendations into the Examination of the LDP. Policy RES 2 of the LDP allocates the application site for housing development.

In the report of the examination, the Reporter made no modifications to the proposed housing allocation at Perceton. Some concern was expressed by the Reporter about the potential for housing development at the easternmost part of the site, and a preference for this area to be retained as open space was expressed, due to its higher ground level in relation to the greater part of the site. The current application seeks to develop this area with a small group of housing formed around a courtyard with a rural character quite distinct from the main development area, and with a separate road access from the B769. This 'steading' would adjoin a large area of open space to be planted with individual trees to enhance landscape character and frame views out to the wider countryside. There is no legal requirement to adopt the Reporter's preference on this particular matter, and given the detailed siting and design issues which have been taken into account for the easternmost part of the site, it is considered that the application should be determined on its current merits without further modification.

In terms of Policy RES 2 of the LDP, the site is allocated for housing purposes with an indicative capacity of 100 units. RES 2 also requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. Indicative requirements for infrastructure are set out in the Action Programme. These are as follows:

- i. Study into cumulative impact upon the Stanecastle Roundabout. Analysis of Hill and Newmoor roundabouts.
- ii. Requirement for traffic calming on Middleton Road given proximity of corner to east, and junction with B769.
- iii. Bus stop required on Middleton Road.
- iv. Flood Risk Assessment
- v. Limit on density of 8 units per acre on a minimum of 50% of the site's net developable area, and 4 units per acre on an additional 20% of the site's Net Developable Area (NDA).

- vi. Development limited to area identified within representation and to exclude area of prime quality agricultural land/SSSI.
- vii. Design to consider relationship of development with Conservation Area.

In response, the following comments are made:

- i. Transportation has assessed the proposal and concluded that the development would not raise any issues at strategic junctions on the B7080.
- ii. Traffic calming works have been indicated on the submitted layout drawings. These were formulated in response to pre-application consultation with the Council's roads engineers and are acceptable to Transportation.
- iii. SPT has endorsed this view and a condition will be imposed regarding the formation of bus stops (one will be required to either side of the road).
- iv. A flood risk assessment has been prepared and submitted. This concludes that the development is not at risk of flooding nor would it contribute to increased flood risk downstream.
- v. The density of the proposal has increased from the initial 100 units suggested at an earlier stage in the planning process. As noted above, the various supporting studies and consultation exercise indicates that there is capacity to accommodate 172 houses at this location without overloading the infrastructure upon which the development depends. There would remain substantial areas of undeveloped ground for open space, woodland planting for amenity purposes and SUDS.
- vi. All of the agricultural land within the site, including prime quality land, would be included within the development. No agricultural land would remain. There is no SSSI nearby.
- vii. The site would be screened from the nearby Perceton Conservation Area by new tree planting along the western edges as well as much of the adjacent housing development at The Grange, most of which is outside the conservation area. As a consequence, the relationship of the proposed development with the Perceton Conservation Area would be negligible.

Policy RES4 (Affordable Housing) requires a 15% affordable housing contribution for housing development within Irvine and Kilwinning. The relevant approved Supplementary Guidance states that:

- The Council's preference for an affordable housing tenure in mainland North Ayrshire is for social rented housing.
- Provision of the affordable housing element shall be delivered in phase with the provision of the market housing.
- New affordable housing must not be significantly different in external appearance from market housing on the same site.

- The Council will establish affordable housing needs in relation to house type and size and this will be communicated to developers at the earliest opportunity.

At this stage, it has not been established whether or not the most appropriate mechanism for affordable housing provision would be on-site provision or a commuted sum for off-site provision. This remains under discussion. The intention would be for the developer to enter into a legally binding obligation with the Council to secure the provision of the 15% affordable housing. The developer has confirmed that this approach would be acceptable.

Policy PI 1 (Walking, Cycling and Public Transport), requires that account has been taken of the needs of walkers, cyclists and public transport, including a demonstration that the proposals reflect the principles of Designing Streets.

As noted above, the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout, which has been refined several times since November 2013. The focus has been on place-making, which is achieved through a combination of building design, layout, street design, open spaces, landscaping, paths, etc. Connectivity to the existing built-up area, including new pedestrian footways and bus stops, has also been taken into account and adequate provision would be made in this regard. It is considered that the proposal meets the requirements of Policy PI 1.

Policy PI 8 (Drainage, SUDS and Flooding) has been comprehensively considered and consultation has taken place with the key agencies of Scottish Water and SEPA. Waste water would be drained to the public sewer network and surface water would be treated/attenuated on site before discharge to the Annick Water. There would be no increased flood risk arising from the development, nor would the site be at risk of flooding from the Annick Water. It is considered that the proposal meets the requirements of Policy PI 8.

Policy PI 13 (Carbon Emissions and New Buildings) states that all new buildings must reduce CO2 emissions above or in line with building standards. Whilst a separate building warrant application would be required to assess insulation standards and energy efficiency, the planning process can assist in the reduction of CO2 emissions in respect of passive energy efficient measures. In this regard, the siting and orientation of buildings can have an important effect on the use of lighting and heating systems within buildings. Careful consideration has been given by the applicant and by planning officers to ensure that orientation favours as much natural light and solar gain within the development as possible. A significant number of houses would feature generously sized front windows to capture as much daylight/sunlight as possible, and most houses would have south west or south east facing front elevations. Houses to the east of the site which would have backed onto a steep slope have had been subject to amendment resulting in longer back gardens over a gentler slope – the purpose of which is to reduce loss of natural light within the back rooms of the houses. The orientation of the majority of the houses would also favour the installation of domestic micro-generation schemes by individual householders, such as solar panels, at a later date. It is considered that the proposal meets the requirements of Policy PI 13.

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims.

For the reasons given above, it is considered that the proposals also satisfy the criteria set out in the General Policy. This considers issues such as siting, design and external appearance; amenity; landscape character; access, road layout, parking provision; infrastructure and developer contributions.

In view of the foregoing, it is considered that the proposal accords with the relevant Local Development Plan policies and is also supported by other material considerations. The application should therefore be granted subject to the conditions listed in Appendix 1 and the conclusion of a Section 75 obligation to secure an appropriate affordable housing contribution at a rate of 15%.

4. Full Recommendation

See Appendix 1.

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

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
10 March 2014

For further information please contact Mr A. Hume, Planning Officer , on
telephone number 01294 324318

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00667/PPM

Agree to grant subject to the applicants entering into a Section 75 obligation to secure an appropriate affordable housing contribution at a rate of 15% and the following conditions:

1. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SUDS, play area, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
2. That, prior to the commencement of the development, the developer shall submit for the written approval of North Ayrshire Council as Planning Authority a schedule of the proposed external finishes to be used in the development. The schedule shall also include details of surface finishes for roads and footpaths. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That no development shall take place until there has been submitted to and approved by North Ayrshire Council as Planning Authority a scheme of landscaping, which shall include details of species, planting densities, soil treatment and aftercare 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.
4. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season and seeding seasons following the occupation of the buildings 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.
5. That, prior to the commencement of the development, comprehensive details of all site levels, including existing ground levels, proposed ground levels and finished floor levels, shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of the development, details of all boundary treatments to be formed shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all boundary fences and walls as may be approved relating to or adjacent to each plot shall be erected prior to the occupation of the dwelling within that plot. All other boundary treatments shall be erected prior to the completion of each phase within the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That no development shall take place within the development site as outlined in red on the approved plan 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 the 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.

8. That the off-site footways and road alterations shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority prior to the completion of the first phase of the development.

9. That, prior to the commencement of the development hereby approved, details of bus stops on either side of the Old Stewarton Road at positions to be agreed in consultation with SPT, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the bus stops shall be provided to the satisfaction of North Ayrshire Council as Planning Authority prior to the completion of the first phase of the development.

10. That, prior to the commencement of the development hereby approved, details of the children's equipped play area and associated open space shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the play area shall be provided in accordance with the phasing details as may be approved under the terms of Condition 1 to the satisfaction of North Ayrshire Council as Planning Authority.

11. That, prior to the occupation of any of the dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape management plan 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, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

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

13. That all paths within the development shall be constructed to provide for all abilities access and multi user access (ie. by walkers and cyclists) to the satisfaction of North Ayrshire Council as Planning Authority.

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

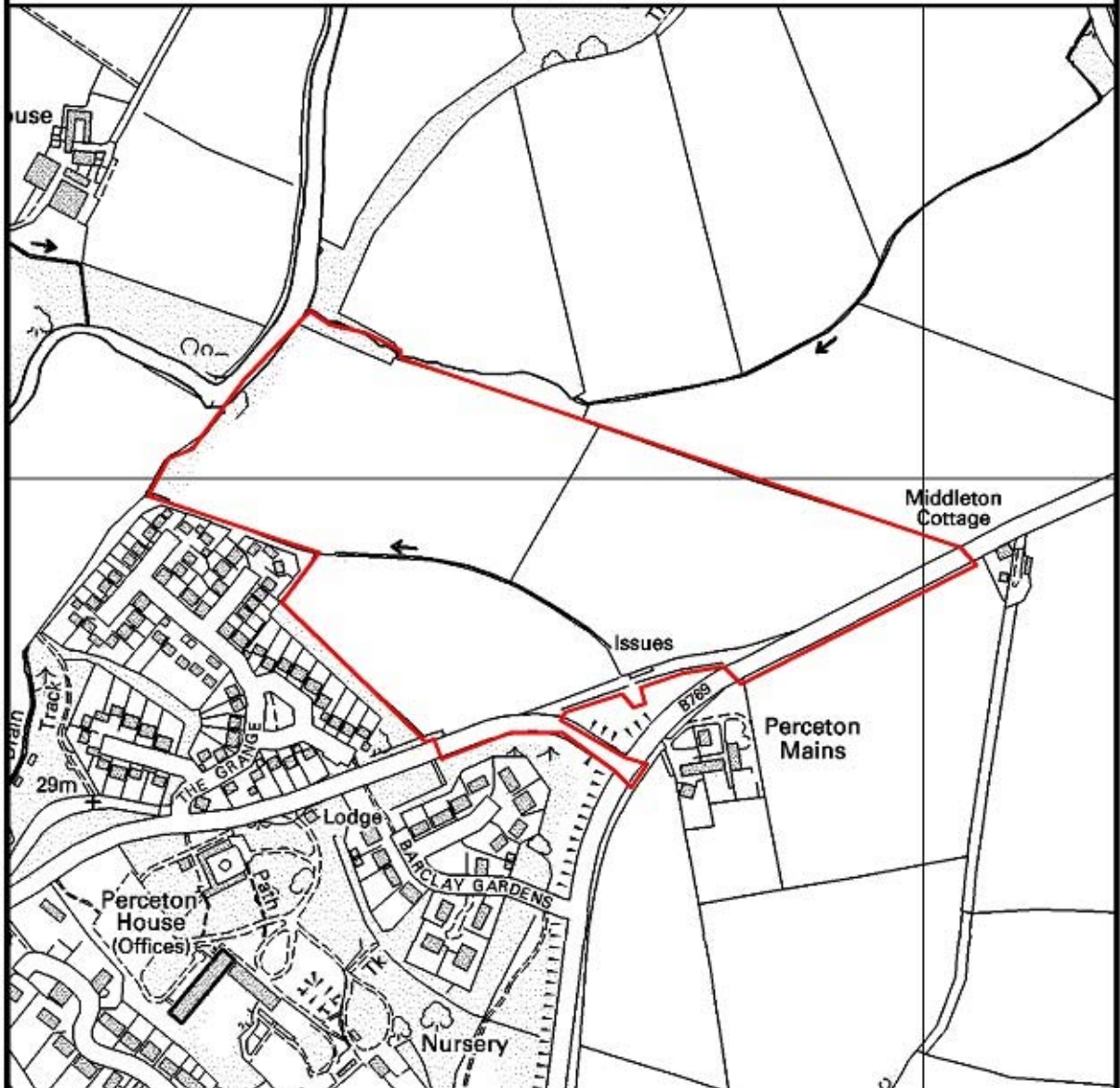
1. To ensure the development is phased appropriately in the interests of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. In the interest of the amenity of the area.
6. In the interest of the amenity of the area.
7. To meet the requirements of the West of Scotland Archaeology Service.
8. To ensure adequate provision is made for pedestrian footway connections prior to the completion of the first phase in the development.
9. To ensure that the occupants of the development can conveniently access bus services operating in the vicinity of the site.
10. To ensure adequate provision is made for children's play.
11. In the interest of the amenity of the area.
12. In the interests of Sustainable Urban Drainage provision.
13. To ensure that the paths cater for all abilities.

Reason(s) for approval:

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

Committee Plans

13/00667/PPM



NORTH AYRSHIRE
COUNCIL

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NORTH AYRSHIRE COUNCIL

Agenda Item 4.2

Planning Committee

Planning Area

23 April 2014
Irvine/KilwinningReference
Application
Registered
Decision Due
Ward**13/00038/PPPM**
30 January 2013**30 May 2013**
Kilwinning

Recommendation

Agree (a) subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of improvements at Nethermains and South Newmoor Industrial Estates as detailed within an agreed business plan; (ii) to ensure that no dwellinghouses are occupied until the Council and Transport Scotland have entered into an agreement governing the funding and implementation of works on the A78(T) Pennyburn roundabout and the A738(T)/ Pennyburn Road junction and the A738(T)/ Whitehirst Park Road junction; (iii) that no more than 180 dwellinghouses are occupied on the site until the works to the above junctions are undertaken (or such other solution is agreed with Transport Scotland; and (iv) for the provision of affordable housing; and (b) to grant subject to the conditions contained in Appendix 1.

LocationWest Byrehill Industrial Estate, Byrehill Place,
Kilwinning**Applicant**Ashtenne Industrial Fund LP
80 St Vincent Street
Floor 6
Glasgow
G2 5UB**Proposal**

Demolition of industrial building and erection of residential development with associated accesses, engineering operations, open space and landscaping, and a neighbourhood centre (Classes 1, 2 & 3).

1. Description

This is an application, in principle, for the development of industrial land for residential purposes, including the development of associated accesses, engineering operations, open space and landscaping, and a neighbourhood centre (Classes 1, 2 & 3). Two existing industrial buildings within the site would remain. Given the size of the site 50, the proposals are considered a 'Major' development under Section 26A of the Town and Country Planning (Scotland) Act 1997, as amended, and the Town and Country Planning (Hierarchy of Development) (Scotland) regulation 2008. A further application for the Matters Specified in Conditions (MSC) would be required to address issues of detail. However, indicative proposals, used to inform the supporting Pre-Application Consultation process (PAC) and a 'Development Framework Document' (DFD), offer some details of the potential layout and form of the development.

The DFD indicates that the site would be divided into housing phase packages and an area identified as a neighbourhood centre. It is indicated that between 475-505 residential units could be accommodated and that the neighbourhood centre would comprise 8,000ft² (743m²) of retail space: 1x 4,000ft² (371.5m²) detached food retail unit; and 4x 1,000ft² (92.875m²) terraced retail units. The demolition of an industrial building, for which planning permission would not be required, is also detailed. A number of further industrial buildings have been demolished in past years.

Two primary accesses are proposed off Pennyburn Road, one of which is existing, at the north-west part of the site, and the second would be located to the east of this existing junction. The perimeter of the site is largely enclosed by structural tree planting, additional landscaping is proposed in order to enhance these structural areas as well as to introduce landscaped divisions between the housing areas and to separate the residential areas from retained industrial/business uses. Areas identified for flood water storage and SUDs purposes are also identified within the DFD.

The surrounding land uses are: to the north is Pennyburn Road, beyond which are residential areas and St Luke's Primary to the north-west; to the west the A738 (Stevenston Road), beyond which is Kilwinning Fire Station and agricultural land, the southern part of which has a partially implemented planning permission in place for a large mixed use development, generally comprising: a petrol filling station, 40 bed hotel, restaurant/bar/fast food outlet, parking, landscaping and access arrangements; to the south is the A78, beyond which is land largely in agricultural use; and finally to the east is the Glasgow-Ayr rail line, with agricultural land beyond.

On 4 April 2014, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption following the publication of the Reporter's recommendations into the Examination of the LDP. Policy IND 5 of the LDP allocates most of the application site as a 'Mixed Use Employment Area' incorporating an area allocated as Policy RES 2 'Additional Housing Sites' and a smaller area allocated Policy IND3/IND4. The perimeter boundary of the application site is allocated as Policy ENV 12 'Open Space'. The LDP is moving towards adoption and is more up to date than the adopted Local Plan, which dates from 2005. Accordingly, the assessment of this application will be in terms of the Local Development Plan. The following LDP policies are of relevance:

Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the site's development. Policy RES 4 requires that sites which meet the thresholds outlined in the Council Supplementary Guidance: Affordable Housing will require to contribute to affordable housing provision at a level of 15% within the Irvine/Kilwinning area.

Policy IND 5 requires that sites must demonstrate an element of retained employment use, the nature of which will be negotiated on a site by site basis with reference to a business plan. Employment uses should be located within the Mixed Use Employment area allocation, unless it can be demonstrated that equal or enhanced benefit can be delivered on other land within the applicant's control.

Policy TC 5 requires that the development of new local shops outwith town centres shall not accord with the Plan unless the proposed units are less than stipulated size thresholds, and are intended to meet local need only. Policy ENV 12 relates to proposals which will impact on allocated open space.

Policies RES 8 (Open Space and Play Provision in New Housing Development), PI 1 (Walking, Cycling and Public Transport), PI 8 (Drainage, SUDs and Flooding), PI 13 (Carbon Emissions and New Buildings) and A3 (Supplementary Guidance) are also relevant. The General Policy must also be taken into account.

There is no particular relevant planning history, with planning records over the past 20 years limited to minor proposals related to the limited industrial use of the site, the erection and subsequent alteration of a telecoms mast, the establishment of an ambulance station and associated fencing and gates, the development of NAC offices, and the provision of a sub-station enclosure.

The following supporting information form part of the submission.

Pre-Application Consultation (PAC) Report

This sets out details of the steps taken by the applicant to disseminate information about the proposed development, the public event, feedback received and how these comments were taken on board by the applicant. The document has been prepared in a conjoined manner and relates to three applications the applicant has submitted at: South Newmoor, Irvine (Ref: 13/00040/PPPM); Nethermains, Kilwinning (Ref: 13/00039/PPPM); as well as West Byrehill, Kilwinning (Ref: 13/00038/PPPM). The two former applications were approved, subject to conditions, by the Planning Committee of 15 May 2013.

Development Framework Document (DFD)

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

Planning Policy Statement (PPS)

Again this document considers all three sites and sets out a planning policy framework from the National to the Development Plan level. It concludes that the proposals at West Byrehill are: consistent with SPP, the aims and objectives of the adopted Local Plan (INF8), and the emerging Local Development Plan (General Policy, RES2, TC5, RES4, RES8, IND5, PI1 & PI8).

Transport Statement (TS)

The original TA, submitted at the time the application was made, concluded that the site is well served by footways and cycleways and well placed for bus and rail facilities; all junctions considered by the TS operated in a satisfactory manner in 2011 during the AM and PM peak traffic periods; by 2015, demand at the roundabout junctions of the A78 with Stevenston Road would be approaching capacity, but that Transport Scotland are considering improvement measures; discussed the differences between traffic associated to the existing and proposed use of the site; and that with 400-600 houses proposed, the junctions considered would operate in a satisfactory manner in 2015.

Following detailed discussions with Transport Scotland and NAC Roads, an addendum to the original TA was submitted. It was thereafter concluded that the trunk road infrastructure can accommodate up to 180 dwellings without the need to carry out improvements. (See Transport Scotland consultation response below).

Air Quality Assessment (AQA)

This looks at air quality issues associated to the exiting situation, including the proximity to the A78, and the increased traffic levels associated to the development. It concludes that the development is predicted to have an adverse impact at all receptors locations when compared with the baseline scenario, however the magnitude of the impact is classed as no more than small at all locations and as such, the impact from the development at all receptor location is negligible. As a result there is no requirement for any specific mitigation measures.

Ecology Assessment (EA)

This concludes that the most valuable habitat is 'neutral grassland' and that this would largely be lost. However, there is scope to retain elements around the site edges in conjunction with marshy grassland, woodland and the open water of the SUDs pond. Species assemblage would alter. There is no evidence of use of the site by protected species, other than a small number of bats and a barn owl. No breeding is taking place. Birds will lose forage and nesting habitat and a breeding bird survey should be undertaken to advise landscape design proposals at the detailed stage. Overall minimal impact to local bird populations should occur. Amphibians are not currently an issue and should benefit from the introduction of the SUDs pond. The range of invertebrates is likely to remain constant, subject to the provision of a range of habitats through considered landscape development.

A number of recommendations are made in relation to: landscape and long-term management objectives; production of a Landscape and Habitat management Plan; protection of trees during and post construction; tree felling to take place during winter months (December-February); use of pesticides; production of a Bat Method Statement; pre-start checks for badgers and otters, relating to each phase; site clearance to avoid the bird nesting season (March-July/September), or to undertake nesting surveys during these months, a Bird Method Statement is recommended; prioritisation of native species in landscaping; retain and enhance wildlife corridors and provide edges to woodland areas; SUDs should be designed with ecology in mind; erection of bird and bat boxes, others serving hedgehog and bees may also be possible; workforce ecology training; etc.

Flood Risk Assessment (FRA)

Identifies the SW corner of the site as being at risk of flooding (1:200 year event). It proposes that the Penny Burn culvert be reopened and that regrading of land and provision of flood storage equivalent to that currently available is undertaken. Detailed designs will be required in due course. Finished floor levels are recommended. Site drainage (including SUDs) was not considered, although flooding from surface water runoff is not considered a significant risk. Topographical design and future maintenance issues are discussed. It is also noted that flood risk can be reduced but not eliminated, should events exceed the design conditions and given inherent uncertainty associated with estimating hydrological parameters.

Mine Risk Assessment (MRA)

Concludes that coal mining poses no risk to the development proposals and no precautions are required.

Noise Assessment (NA)

This advises that the majority of the site is dominated by road traffic noise from the A78 and A738 and that additional mitigation, by barriers, is required. Calculations show that it is possible to achieve acceptable standards for noise. The specification and location of such barriers will require to be finalised during the detailed design stage. Noise from the railway, subject to the above recommended barriers, would see train pass noise in excess of WHO recommendations inside facing habitable rooms with windows open. Therefore any habitable rooms facing the rail line will require to be assessed with windows closed and alternative means of ventilation addressed at the detailed design stage. Standard double glazing and trickle vents should ensure compliance with 45dB. Care should be taken to ensure that bedrooms located facing the rail line that acoustic suitability is considered.

Services Overview (SO)

This concludes that Scottish Water have advised the applicant that: there is sufficient capacity at Water Treatment Works to service the development; flow and pressure testing will be required to confirm impacts; and there is sufficient capacity at Waste Water Treatment Works to service the development and a DIA is not required. Indicative costs for diversion of SW infrastructure have been prepared and will be confirmed at the detailed design stage. The cost of diverting a medium pressure gas pipeline is not significant. Telecoms issues are not significant. Scottish Power diversion and connection costs are not significant. Overall detailed design issues, relating to services, will be refined following grant of planning permission in principle.

2. Consultations and Representations

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

Consultations

North Ayrshire Council Transportation - No objections. The applicant has been working in partnership with the local roads authority to establish the impact of this development on the strategic road network. It has been established that the road infrastructure can accommodate up to 180 dwellings without the need to carry out improvements. However there may be some localised infrastructure improvements in relation to new and extended footpath and cycle networks, along with road crossing facilities to accommodate increased movements. These will be established at the MSC stage when more detail is submitted.

Response – Noted. This could be addressed by the imposition of an appropriate planning condition. An informative could also be attached to advise the applicant to consult with NAC Transportation prior to a further planning application.

Transport Scotland – Transport Scotland note that the Council has committed to fund the necessary trunk road improvement works that may be required as a result of development allocations within the new Local Development Plan. This commitment includes the improvements identified to the A78(T) Pennyburn roundabout and the A738(T)/ Pennyburn Road junction and the A738(T)/Whitehirst Park Road junction which are likely to be required as a result of development proposed under this application. Transport Scotland and the Council intend to formalise this commitment through a Memorandum of Understanding or other legal agreement, which would provide Transport Scotland with the necessary comfort that there would not be an unacceptable impact on the capacity of the trunk road network. The assessment work undertaken to date indicates that 180 dwellinghouses could be occupied on the West Byrehill site without significant impact on the trunk road network. Transport Scotland therefore propose conditions within the consultation response in relation to the commitment between the Council and Transport Scotland, and an interim cap of occupation of 180 dwellinghouses.

Transport Scotland also propose conditions in relation to: the phasing of the development; that no direct access to the A78 trunk road shall be provided; and that a barrier of a type approved by the Planning Authority, after consultation with the Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary of the site with the A738 trunk road and with the A78 trunk road.

Response – These matters can be addressed within the S75 Agreement, and by conditions.

North Ayrshire Council Flooding Officer – No objections in principle. The Flood Risk Assessment is considered satisfactory. The recommendation in the FRA to open up the Penny Burn Culvert is welcome, however the developer must allow vehicle access for maintenance of the Burn at all times. A drainage and surface water strategy must be submitted at the MSC stage for the development site as a whole, outlining overall maintenance proposals.

Response – Suitable planning conditions could be applied to address these issues.

SEPA – No objection. In relation to flood risk SEPA has no objection, generally agreeing with the findings of the FRA, and direct further comment to NAC as Flood Prevention Authority. However, further consultation should take place at MSC stage. Foul and surface water drainage it to be publicly connected and as such Scottish Water are responsible. It is noted that site drainage, including SUDs, has not been considered by the FRA and this matter is deferred to NAC, guidance of relevant standards is given and it is advised that Scottish Water should be contacted regarding the level of SUDs required. Contaminated land issues are deferred to NAC, with SEPA able to provide comment to them in relation to impacts on the water environment. In terms of ecology, the eradication of non-native invasive species is supported and the applicant is directed to guidance on the SEPA website. In addition, it is advised that works to watercourses may/require CAR authorisation. Further advice is given in relation to demolition and pollution prevention and other regulatory requirements.

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

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

Response – A condition can be attached requiring that SUDs are incorporated and informatives can advise the applicant to contact Scottish Water for guidance and regulatory advice.

North Ayrshire Council Environmental Health – Prior to commencement of development a desk study of the application site to assess the likelihood of contamination and to inform a site investigation, subsequent quantitative risk assessment and remediation measures. Such documentation shall meet BS10175:2011 and be verified by a suitably qualified person to the satisfaction of EH. Thereafter any unsuspected contamination encountered shall be reported and treated in an agreed way, to the satisfaction of EH. On completion of works verification of any remediation shall be submitted to NAC (EH).

The findings of the Noise Impact Assessment are noted, in particular the mitigation measures required, including bunds and close board fencing, up to a height of 3 meters. It is pointed out that such measures require the consideration of Development Management. The findings of the Air Quality Assessment, that the impacts at receptors is classed as negligible, is noted.

Response – Conditions can be applied to address the contamination issues raised. In addition, it is noted that the noise mitigation measures proposed have potential to have significant impacts on, particularly visual amenity and their design will require to be carefully considered at the MSC stage, a suitable planning condition would require the submission of the noise mitigation for consideration

West of Scotland Archaeology Service – Initial advice raised concerns that given there were large areas of the site which appeared to be undisturbed by previous development, there was some potential for buried archaeological deposits to survive. As a result, a programme of intrusive evaluation was advised to quantify this potential. Following further discussions an assessment report, prepared by Rathmell Archaeology Ltd, was submitted. This included historic information on past development of the site and details of site investigations, neither of which were made available at the time of WoSAS's initial assessment.

On the basis of this additional information WoSAS advised that although there are likely to be some areas of the site that have not been subject to substantial levels of previous disturbance, it is apparent that the majority has a relatively low potential to produce in situ buried archaeological remains. On this basis it is accepted that evaluation of the type suggested WoSAS's initial response is not required, and it is not considered that further archaeological work is necessary.

Response – Noted.

North Ayrshire Council Streetscene – Advises that the perimeter woodland surrounding the site is predominantly compartments of mixed broadleaves with small pockets of conifers, which serve as a screen for the industrial estate and a buffer to noise. The site presently has limited recreational value but is popular with dog walkers and there are desire routes throughout. There is generally little or no under-storey planting and ground flora. There is also a lack of edge planting. Introduction of scalloped edge planting would help increase the woodland biodiversity status and create more of a margin between the woodland and properties should any development take place.

The woodland is generally in moderate condition and maintenance is required. A variety of wildlife from buzzards, kestrels, rabbits and deer use the site. The North Ayrshire Urban Woodlands Project aims 'to maintain them as valuable features in the local landscape in an urban setting and to enhance the setting of the industrial estate to attract investment'. All woodland compartments should be protected from development by adherence to BS 5837: Trees in relation to design, demolition and construction. A future management plan is also required for the woodland compartments.

Response – Suitable conditions can be applied relating to landscaping proposals incorporating remedial maintenance to the woodland compartments and the introduction of a planted margin to those compartments; and, the protection of trees during development phases, in line with BS 5837. Ecology issues are discussed below.

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

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

Scottish Power – No objections, but advise that SP Distribution have two Network Sub Stations, one Primary Sub Station and associated underground cables and that there is also a portion of Overhead line in the vicinity of the proposals. As such SP Distribution reserves the right to protect and/or deviate their apparatus/cables at the applicants expense.

Response – Noted. An informative can be attached advising the applicant to contact Scottish Power in this regard.

North Ayrshire Council Education & Skills – The local catchment school (St Luke's PS) has experienced roll pressures recently which has resulted in a planned extension to the school to be complete for Aug 2014. If development is less than 20 housing completions per annum, then there should be no adverse effect on the school roll.

In order to enable a higher level of development, Education & Skills has commenced proceedings to transfer the West Byrehill site from the catchment of St. Luke's PS to nearby St. Winning's PS. This would resolve any a potential capacity issues arising from development of the site.

Response – Noted. A suitable planning condition could restrict the rate of development to 20 units per annum, unless otherwise agreed by North Ayrshire Council as Planning Authority. Such agreement to exceed this rate will be subject to a successful rezoning of the catchment area of St Luke's and St Winning's Primary Schools to transfer the West Byrehill site from the catchment of the former to the latter.

North Ayrshire Council Access Officer - The Transport Assessment (TA) is limited in its consideration and analysis of provision for pedestrians and cyclists. Only considering the existing National Cycle Network and footway network without consideration of the wider network or any informal access opportunities currently utilised within the site. Furthermore the proposed modal split outlined in Section 6 is significantly adrift of national targets in terms of active travel, for example as detailed within the Cycling Action Plan for Scotland which sets the objective that 10% of all journeys will be undertaken by bike by 2020. Policy PI 1 (Walking, Cycling and Public Transport) and Policy PI 4 (Core Paths Network), of the draft LDP, provide an expanded or updated position which is relevant to this application. Further analysis and consideration of these policies would be welcomed.

The Development Framework does not fully take account informal access opportunities current utilised within the site. The Transport Section recognises the potential for active travel but is not reflected with the proposed modal shift outlined within the Transport Assessment. The analysis of path linkages to and from the site is also limited to the National Cycle Network. Further analysis and consideration of these issues would be welcomed to maximise connectivity.

The neighbourhood centre would require the provision of secure cycle parking of a proportionate scale, in a visible and accessible location to accord with Policy PI 1(e). This should provide for 10% of the overall capacity of the centre including staff. This is to meet the objective of the Cycling Action Plan for Scotland that 10% of all journeys be undertaken by bike by 2020 as previously referenced.

Response – Noted. A condition requiring the submission of an updated Transport Assessment would be required. An informative could also be attached to advise the applicant to contact NAC Access Officer for advice with this regard.

North Ayrshire Council Estates – Estates provided confirmation of which areas of the site are under Council ownership. This includes an office block and depot, which form part of the application area proposed for residential use.

Response – Noted. The grant of Planning Permission in Principle would not preclude the ongoing use of the office block and depot.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions by planning authorities shall be in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the adopted North Ayrshire Local Plan (excluding Isle of Arran) is the development plan, which is out of date in relation to this proposal. As noted above, the Local Development Plan Committee approved the North Ayrshire Local Development Plan (LDP) for adoption on 4 April 2014 following the publication of the Reporter's recommendations into the Examination of the LDP.

Policy RES 2 of the LDP allocates a large part of the application site for housing development. The site is identified in table 1 and on the LDP maps for market housing to meet the identified housing requirement to 2025 (Policy RES 2 Additional Housing sites) and gives an indicative capacity of 400 units.

RES 4 (Affordable Housing) will require a legal agreement to secure the affordable housing contribution from the development, to accord with the policy. The 15% requirement may be varied, subject to the contents of the business plan to be submitted as part of Section 75 negotiations. The mechanism for delivery in terms of the Council's four prioritised options, and other details, can also be agreed at a later stage.

Policy IND 5 requires that the proposal demonstrates an element of retained employment use, preferably on site, but off site improvements are acceptable. The policy also requires preparation of a development brief and/or masterplan. The DFD, submitted by the applicants, reflects the content that would be expected from both a development brief and masterplan. The document also states that 'it is intended that investment in Newmoor and Nethermains will be phased by redirecting some of the money generated through the development of West Byrehill. Positive receipts from the sale and development of West Byrehill will be recycled into [South] Newmoor and Nethermains'. Separate planning applications for investment at South Newmoor and Nethermains (Refs 13/00040/PPPM and 13/00039/PPPM respectively) were consented during 2013 for:

- South Newmoor: demolition, (1) erection of new business/industrial units (Classes 4, 5 and 6), ancillary hotel, creche, retail units and associated access, engineering operations and landscaping and (2) the erection of ancillary public house/restaurant.
- Nethermains: demolition, erection of new business and industrial development (Classes 4, 5 and 6) and place of worship (Class 10), formation of open space including engineering operations, access and landscaping, and refurbishment of existing industrial units.

A business plan requires to be submitted by the applicants to demonstrate:

- The level of receipts projected to be generated by the sale/development of the West Byrehill site;
- How these receipts will be divided between affordable housing provision, and improvements at South Newmoor and Nethermain; and
- The anticipated timing/phasing of receipts generated and subsequent expenditure.

It is understood that a business plan is under preparation by the applicants, and an agreed business plan will be required to finalise the Section 75 Agreement. Submission of the business plan to the planning authority can be required by condition.

In light of the above, it is considered that the applicant's proposal is compliant in principle with Policy IND 5.

TC6 (Local Shops) only permits retail developments outwith town centres where they can be justified against the following criteria:

- (a) the development does not incorporate a unit of greater than 400m² gross, and the total retail development is below 1,000m² in size overall;
- (b) the development meets a recognised local need; and
- (c) it is located where it can be conveniently accessed on foot from adjacent, existing development.

In relation to (a) and (b) it is considered that the level of development proposed is of a scale which would be expected to be located within a residential development of the size proposed. A suitable planning condition can be attached to limit the size of the retail element to that indicated.

In terms of (c) the indicative location shown in the development framework, subject to detailed consideration of means of access at the MSC stage, is central and likely to be convenient to surrounding residents. A suitable planning condition can be attached to ensure that non-motorised access is considered in the design of the detailed layout. Subject to these issues it is considered that the retail element would be accessible and compliant with (c).

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

In terms of Policy PI 8 (Drainage, SUDs and Flooding) a Flood Risk Assessment (FRA) has been submitted in support of the application and is considered satisfactory. A framework strategy has been prepared from the findings of the FRA. A suitable condition can be applied to any permission requiring that appropriate flood management measures are incorporated at MSC stage. This should be demonstrated by a detailed flood risk assessment including a complete topographic survey to determine the 200 year functional floodplain to determine the developable area. NAC's Flood Engineer and SEPA should be consulted by the applicant in the scoping and preparation of this FRA, an informative would address this matter.

NAC's Flood Engineer welcomes the recommendation in the FRA to open up the Penny Burn Culvert, however notes that developer must allow vehicle access for maintenance of the Burn at all times. It is also advised that a drainage and surface water strategy must be submitted at MSC stage, for the development site as a whole, and should outline the overall maintenance proposals. Suitable planning conditions can be applied to any permission.

Conditions can be also be attached requiring that a comprehensive Drainage Strategy is submitted, which should include details of SUDs techniques proposed.

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

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that these aims can be addressed at the MSC stage. However, a condition could be applied to ensure that the development is designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents and NAC Neighbourhood Design Guidance.

ENV 12 (Development of Open Space) seeks to protect areas of open space from development, unless relevant criteria are satisfied. In this regard the areas of the site identified as 'Open Space' comprise areas of structural landscaping and amenity grass, to the periphery of the site. The Development Framework Document indicates that there would be limited impact on these areas and it is considered that the effects on the amenity, character and appearance of the area would not be discernible.

Policy RES 8 (Open Space and Play Provision in New Housing Developments) requires that open space and children's play facilities are provided within the development site in accordance with the Council's published requirements. This can be addressed by a condition.

A material consideration is the impact of the proposed development on flora and fauna. In this regard it is considered that the development area primarily comprises of rough grassland, although there are trees in peripheral areas which will be affected. The woodland areas are likely to be considered the most ecologically important, providing bird nesting and bat foraging habitat. In order to manage and enhance biodiversity, surveys for bat species should be undertaken during March/April - October. It is also recommended that site preparation and vegetation clearance is conducted outwith the breeding bird season (nominally March to August inclusive), alternatively bird nest surveys can be undertaken immediately prior to any proposed works and if an active nest is found it should be protected. Suitable conditions can control such matters.

In view of the foregoing, it is considered that the proposal accords with the relevant Local Development Plan policies, and that subject to the applicants entering into a Section 75 Agreement to specify the nature and extent of off-site employment space improvements, the provision of affordable housing and the Transport Scotland recommendations, planning permission can be approved subject to the conditions contained in Appendix 1.

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
24 October 2013

For further information please contact David Hammond, Team Manager
(Development Plans) , on telephone number 01294 324764.

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 13/00038/PPPM

Grant subject to (a) the applicants entering into a Section 75 Agreement: (i) to specify the nature and extent of off-site employment space improvements at Nethermain and South Newmoor Industrial Estates as referenced within a business plan to be agreed; (ii) to ensure that no dwellinghouses are occupied until the Council and Transport Scotland have entered into an agreement governing the the funding and implementation of works on the A78(T) Pennyburn roundabout and the A738(T)/ Pennyburn Road junction and the A738(T)/ Whitehirst Park Road junction; (iii) that no more than 180 dwellinghouses are occupied on the site until the works to the above junctions are undertaken (or such other solution is agreed with Transport Scotland; (iv) for the provision of affordable housing; and (b) the following conditions:-

1. That, prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:
 - (a) the layout of the site, including all roads, footways, shared paths, car parking areas, and open spaces;
 - (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
 - (c) a detailed flood risk assessment, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed.
 - (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. The SUDS shall be self-certified by a suitably qualified person;
 - (e) the means of access to the site including an updated Transport Strategy, addressing all modes of transport;
 - (f) the design and location of all boundary treatments including walls and fences;
 - (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;
 - (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above); and
 - (i) a design and access statement with the design issues in accordance with the relevant supplementary approved design guidance.

2. That the application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 3 years from when permission in principle was granted;
- (b) expiry of 6 months from date when an earlier application for approval was refused, and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for:-

- (i) different matters, and
- (ii) different parts of the development

at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the 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 Design Guidance to the satisfaction of North Ayrshire Council as Planning Authority.
4. 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.
5. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

6. That the recommendations within the Ecology Assessment Survey submitted in support of the application, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted demonstrating of the undertaking and/or programming of these recommendations. In addition, details of a scheme for the removal of non-native species from the site, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter any such scheme, which may be approved, shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority
7. 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.
8. That there shall be no means of direct access onto the A78 trunk road either pedestrian or vehicular.
9. That, prior to the commencement of the development, details of a barrier along the boundary of the site with the A738 trunk road and with the A78 trunk road, shall be submitted for the approval in writing of North Ayrshire Council as Planning Authority. Thereafter the details, as may be approved, shall be provided and maintained by the developer or subsequent owner of the land to the satisfaction of North Ayrshire Council as Planning Authority.
10. That the house completion rate of the development, hereby approved, shall be restricted to 20 houses per annum, unless otherwise agreed in writing by of North Ayrshire Council as Planning Authority.

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

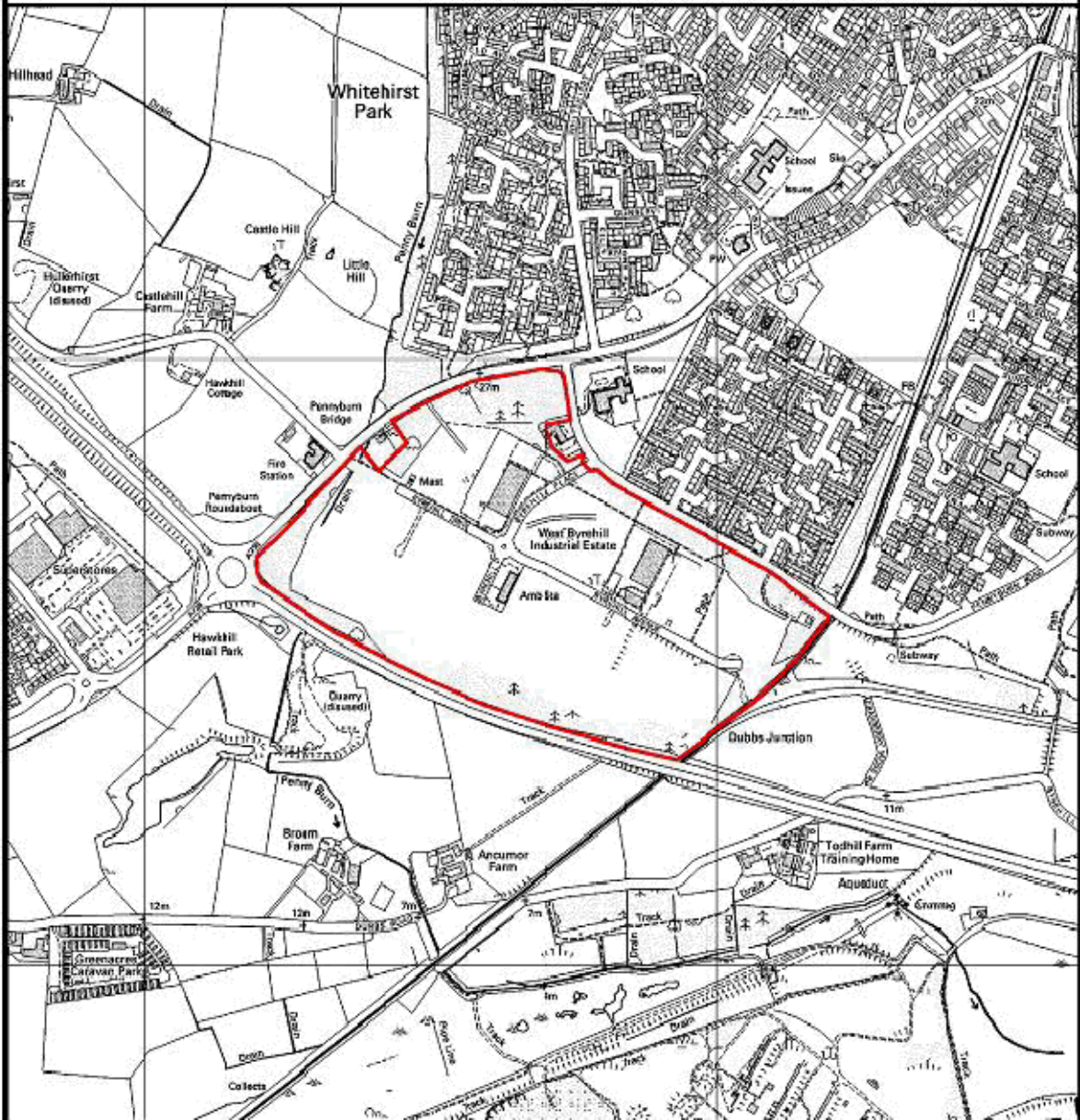
1. In order that these matters can be considered in detail.
2. To comply with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. In order to ensure compliance with current national and local design guidance.
4. To ensure compliance with North Ayrshire Council policy and in the interests of adequate open space and play provision.
5. To secure a sustainable development.
6. In the interests of preserving flora and fauna.
7. To meet the requirements of Environmental Health.
8. To ensure that the movement of traffic and pedestrians is confined to the permitted means of access thereby lessening the danger to, and interference, with the trunk road.
9. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
10. To meet the requirements of Education & Skills.

Reason(s) for approval:

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

Committee Plans

13/00038/PPPM



NORTH AYRSHIRE
COUNCIL

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NORTH AYRSHIRE COUNCIL

Agenda Item 5

Planning Committee

23 April 2014

Planning Area

North Coast and Cumbraes

Reference

14/00164/PP

Application

19th March 2014

Registered

Decision Due

19th July 2017

Ward

North Coast and Cumbraes

Recommendation	Agree to (a) vary Conditions 7, 9 and 10 of Planning Permission 11/00679/PPM and (b) revise the schedule of conditions of the Consent, as contained within Appendix 1
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Location	Hunterston Construction Yard, Fairlie
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Applicant	SSE Renewables Developments (UK) Ltd 1 Waterloo Street GLASGOW G2 6AY
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Proposal	Variation of planning permission N/11/00679/PPM under Section 42 of the Town and Country Planning (Scotland) Act 1997 to i) revise wording of Condition 7 to enable assessment of compliance with noise limits, Condition 9 to revise timescale for dealing with complaints about noise nuisance and Condition 10 to implement measures to reduce excessive noise levels to acceptable limits.
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1. Description

On 15 February 2012, the Planning Committee agreed to grant conditional planning permission (ref.11/00679/PPM) for a test facility for up to three off-shore wind turbines with a maximum blade tip height of 198.5 metres at the Marine Construction Yard, Hunterston. To date one Siemens wind turbine has been erected. Conditions 6 to 11 inclusive were imposed in relation to turbine noise, including steps to be taken by the applicants following receipt of a complaint and defining acceptable night-time and daytime noise levels.

Following a review of the noise conditions by the applicant's acoustic consultants, the applicants met with Environmental Health and representatives of Fairlie Community Council to discuss the conditions. Consequently, the applicants propose to vary condition 7 and 9; initially they proposed to delete condition 10 but have now agreed to vary this condition also (see below).

The conditions imposed by the Planning Committee are as follows

Condition 7 :

"That during night hours, defined in ETSU-RO-97 as 2300 hour to 0700 on all days, the wind turbine noise immission level at any property lawfully existing or with planning permission at the time of the consent shall not exceed LA90, 10min levels as detailed in table "11.7: Night Time Noise Limits" of the "Hunterston National Off Shore Wind Turbine Test Facility Volume 1: Environmental Statement". In the case of locations not included in table 11.7, the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. This shall ensure that the LAeq, 8 hours at noise sensitive premises in the surrounding area does not exceed 45dB as a consequence of the development."

Condition 9 :

"That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority, a 24 hour contact number to which complaints about noise nuisance can be made and any complaint shall be investigated within 24 hours of receipt."

Condition 10 :

"That within the first four weeks following commissioning of each wind turbine, the operator shall employ a suitably qualified acoustic consultant or other competent person to measure the level of noise emissions from the turbine. The measurement and calculation of noise levels shall be undertaken in accordance with BS:EN(IEC)61400-11:2003 (Wind Turbine Generator Systems - Part II: Acoustic Noise Measurement Techniques), or any subsequent update thereof, including the type, classification and calibration of the measurement equipment, the location of the microphone, the relevant weather conditions and the analysis and presentation of the measured noise data or such other method agreed in writing with North Ayrshire Council as Planning Authority. In the event that the total noise emissions of all turbines installed on the development exceed the corresponding values presented in tables 11.18 (during Quiet Daytime hours as defined in ETSU-R-97) and 11.19 (during Night hours as defined in ETSU-R-97) of the Environmental Statement, the operator or manufacturer's of the turbines shall identify and implement such measures as are necessary to reduce the noise emission levels such that they are no greater than specified in tables 11.18 (during Quiet Daytime hours as defined in ETSU-R-97) and 11.19 (during night hours as defined in ETSU-R-97) of the Environmental Statement."

In relation to condition 7, the applicants noted that the night-time noise target had not been based on wind speed in accordance with current guidance including ETSU-RO-97 "The Assessment and Rating of Noise from Wind Farms" and the Institute of Acoustics "A Good Practice Guide to the Application of ETSU-RO-97 for the Assessment and Rating of Wind Turbine Noise". Consequently monitoring noise emission level from the wind turbines would become extremely difficult and unreliable. The applicants propose therefore that the noise level target be modified in line with the above guidance to allow effective monitoring to be undertaken.

With regard to condition 9, while a 24 hour contact number has been provided by the applicants, it was recognised that an investigation into such a complaint would take a period of time to fully conduct. The applicants suggest that they work in partnership with Environmental Health and notify each other as soon as possible if any complaint is received regarding noise from the wind turbines. Arrangements would be made to start the investigation as soon as practicable after receipt. The complaint would furthermore be acknowledged within 24 hours of receipt or as soon practicable afterwards.

Condition 10 was imposed at the request of the applicants. As this condition relates to noise output at the source, ie, the turbines, rather than the noise experienced at any sensitive premises, it would not be normal for Environmental Health to request such a condition. The applicants state the role of the condition was to provide specification guidance to turbine suppliers rather than environmental noise control

which is adequately achieved by the other noise conditions. They also state that the requirement to investigate the noise emission from each wind turbine is not practicable at the site as the background noise is prohibitively high to enable accurate assessment of the wind turbine sound power level. The site, they say, is heavily influenced by its coastal location and also local industrial noise which impacts on the ability to successfully carry out this test at the facility. The applicants initially proposed therefore to delete Condition 10 on the basis that the protection of residents from noise from the wind turbines will be dealt with adequately under conditions 6-11 excluding condition 10. Following receipt of representations, they have now agreed to vary the condition - see below.

The applicants propose to revise the wording of condition 7 and 9 as follows :-

Condition 7 - That during night hours, defined in ETSU-RO-97 as 2300 to 0700 on all days, the wind turbine noise immission level at any property lawfully existing or with planning permission at the time of the consent shall not exceed the LA90, 10min levels as detailed in table "11.7: Night-time Noise Limits" of the "Hunterston National Off Shore Wind Turbine Test Facility Volume I: Environmental Statement" or the measured existing LA90, 10min noise level (to be calculated from data measured from the Background Noise Survey referenced in the "Hunterston National Off Shore Wind Turbine Test Facility Volume I: Environmental Statement") plus 5dB(A), whichever is the greater. In the case of locations not included table 11.7, the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Condition 9 - That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a 24 hour contact number to which complaints about noise nuisance can be made. North Ayrshire Council shall be notified of any complaints directly made to the applicants and the complaint shall be acknowledged with the complainant within 72 hours of receipt. On confirmation that the noise complaint is valid (by North Ayrshire Council as Planning Authority), condition 6 shall apply.

Conditions 6, 8 and 11 would be unchanged. Condition 6 requires the operator to employ a suitably qualified acoustic consultant to measure the level of noise from the wind turbines at the property to which a complaint relates. Condition 8 sets acceptable daytime noise levels and condition 11 requires the applicants to undertake measurement of noise at four agreed locations within the first four weeks following commissioning of each wind turbine.

The site is allocated for industrial purposes in the adopted North Ayrshire Local Plan (excluding the Isle of Arran) where Policies IND4 (Hunterston - industrial development of significant national importance) and TRA6b (Hunterston - reserved for large scale trading and industrial development of significant national importance) specifically apply.

In the North Ayrshire Local Development Plan which is due to be adopted in the near future, the site is located within an industrial area where Policies IND1 (Strategic Business Locations) and IND2 (Hunterston: Development in the National Interest) specifically apply.

All development proposals require to be assessed against the relevant criteria of the Development Control Statement of the Local Plan and the General Policy of the LDP.

2. Consultations and Representations

There were no neighbours to be notified. The application was advertised in a local newspaper on 26 March 2014 for neighbour notification purposes.

Two objections and one representation have been received, the grounds of which are summarised as follows:

Grounds:

1. The turbines should not have been approved in the first place as they are far too close to dwellings for the safety of inhabitants including properties within Clyde Muirshiel Regional Park and elsewhere. Consent was granted by councillors from outwith the North Coast area - local councillors were opposed to the development. There is a lack of North Coast representation on the Planning Committee which results in unwanted developments in the North Coast towns and villages.

Response - Planning permission has been granted for the wind turbine test facility. Section 42 of the Town and Country Planning (Scotland) Act 1997 is a mechanism which allows for the submission of a planning application for the development of land without complying with the conditions subject to which a previous permission was granted. Section 42 of the Act stipulates that in this type of application "the Planning Authority shall consider only the question of the conditions subject to which permission should be granted". The impact on the nearest inhabitants and Clyde Muirshiel Regional Park was taken into consideration before the application was determined. The member composition of the Planning Committee is not a material planning consideration.

2. No complaint was made about the conditions when planning permission was granted. The first turbine has been constructed and the applicants only wish to vary the conditions now that they have to comply with them. It is too late to change the rules which increase the detrimental effect of noise and this application should be refused.

Response - The proposed change to the conditions would not permit increased noise levels. As noted above the change to condition 7 would allow a proper assessment of noise levels to be made in the event that a complaint is received to ensure that the levels are in accordance with those set out in the condition. Condition 9 would permit a more practicable response time for responding to noise complaints and condition 10 the applicants contend is unnecessary in that control over noise levels would be secured through the other noise conditions (see below).

3. A turbine built too close to houses near Uplawmoor was closed down by Order of the Courts last year on the basis of unacceptable noise. The Hunterston turbine developer is likely to be taken to Court on the basis of the current level of noise let alone any increase.

Response - This is unrelated to the current application and is not a material planning consideration. As indicated before, the proposed change to the conditions would not permit increased noise levels

4. Turbine noise can cause inner ear damage, insomnia, nausea and distress to nearby inhabitants. Current national health guidelines on off-shore turbines state that due to distance, the potential for the public to be affected is small. They do not however consider such large turbines being built within 900m of human habitation, as in this case at Fairlie. Accordingly the necessary health safeguards contained in the planning conditions should be maintained. One of the objectors submitted a list of papers including a newspaper article on the impact of wind turbines on human health

Response - Environmental Health advise that the relevant published guidance used to assess the impact of wind turbines makes no adverse association between wind turbine noise and human health. The applicants propose to retain and revise conditions 7 and 9; they also proposed to delete condition 10 for the reasons stated above but now propose to reword the condition as suggested by a representee - see below. Environmental Health advise that the articles quoted by the objector have not been adopted in official guidance for assessing the impact of wind turbines.

5. The claim that the 24 hour response period in condition 9 is insufficient is not logical as it cannot possibly take 24 hours to switch the turbines off while the complaint is being investigated. The safety of the local community must take precedence.

Response - It would be necessary to allow the turbines to run while the complaint is being investigated.

6. The intention of condition 9 was to ensure that complaints are dealt with quickly, ie, commenced but, contrary to the applicants interpretation of the condition, not necessarily fully investigated within 24 hours. The amendment to condition 9 does not acknowledge receipt of the complaint to the complainant, or inform the complainant of the outcome of the investigation. Accordingly the wording should be revised. A suggested wording for the condition has been provided by the representee which states that a complaint should be acknowledged within 24 hours and the outcome communicated to the complainant within 30 days of receipt of the complaint. The condition should also require a 24 hour contact telephone number to be provided to which complaints about noise nuisance can be made, which number should be notified to the communities of Fairlie, Largs, West Kilbride and Cumbrae.

Response - The revised wording proposed by the applicants, as noted above, does contain a requirement to acknowledge receipt of the complaint to the complainant. As is normal practice, the complainant would be advised of the outcome of the investigation into the complaint. Commencement of the investigation would be impracticable within 24 hours if a complaint is made at a weekend, hence the statement that the complaint shall be acknowledged with the complainant within 72 hours of receipt. Environmental Health advise that it would be reasonable to expect the investigation to be concluded within 30 days and the condition could be amended to reflect this. A 24 hour contact telephone number has been provided by the applicants to Environmental Health who will pass it on to any members of the public making enquiries about noise issues.

7. The representee is of the view that Condition 10 should not be removed in its entirety. Rather it should be re-worded to incorporate the last paragraph so that if agreed noise levels are exceeded, measures would be identified to reduce noise to the agreed levels, which may include temporary cessation of turbine(s) operation.

Response - While Environmental Health has no objection to the entire deletion of the condition, they would be content with the modification to the condition as suggested which reinforces the requirement to identify measures to reduce turbine noise where agreed levels have been exceeded. The applicants consider that the proposed modification is not necessary and that it offers no additional protection to residents. However they have no objection to the revised wording of condition 10 as suggested by the representee.

Environmental Health - No objection.

Response - Noted.

Fairlie Community Council - No response to date.

3. Analysis

In relation to an application under Section 42 of the Act, as indicated above, the Planning Authority shall consider only the question of the conditions subject to which permission should be granted. The applicant proposes to vary conditions 7, 9 and 10 of planning permission 11/00679/PPM. The main determining issue in this case is whether the proposed modifications are likely to have any adverse noise impact on the surrounding area.

The previously agreed acceptable daytime and night time noise levels have not changed.

The proposed variation to condition 7 would permit compliance with the condition as there is no recognised procedure for assessing compliance with noise limits set out in the way the condition has been drafted. The wording of condition 7 has therefore been varied to enable measurement of and to verify compliance with noise limits specified in the condition.

With regard to condition 9, the requirement to fully investigate a complaint within 24 hours of receipt is impracticable - it would not be possible to investigate and respond to a noise complaint within a 24 hour period if the event occurred at a weekend. The revised wording of the condition therefore appears reasonable but could be further modified to take into account, as suggested above, a requirement that the outcome is communicated to the complainant within 30 days of receipt of the complaint.

With regard to condition 10, as noted above, it would as originally drafted measure noise levels at source rather than at sensitive locations. However, there would be no objection to the modification of the condition as suggested by the representee which would reinforce the requirement to identify measures to reduce turbine noise where agreed levels have been exceeded.

Environmental Health did not object to the revised wording of the conditions.

In view of the foregoing, there would be no adverse noise implications for the surrounding area and planning permission for the variation to the conditions can 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
10 April 2014

For further information please contact John Michel, Senior Planning Officer , on telephone number 01294 324379

JM/FG

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00164/PPM

Amend Conditions 7, 9 and 10 and revise the schedule of conditions, as follows:-

1. That the site shall be used as a facility for the testing of a maximum of 3 off-shore wind turbines at any given time for a period of 5 years from the date of operation of the first turbine, prior notification of which commencement date of operation of the first turbine shall be submitted in writing to North Ayrshire Council as Planning Authority; at the expiry of the 5 year period or 14 October, 2017 whichever is the earlier, the wind turbines and associated infrastructure shall be removed and the land restored to its former condition within 6 months, in accordance with a Decommissioning Method Statement to be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of the development. If planning permission for the proposed multi-fuel power station at Hunterston is granted, the wind turbine test facility shall not be operational at the same time as the testing or operational phases of the multi-fuel power station.

2. 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 siting, design and finishes to all ancillary buildings, temporary buildings and structures and prior to the erection of each wind turbine the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of the siting, design and finish of the wind turbine.

3. That, unless North Ayrshire Council as Planning Authority gives written consent to any variation, all turbine components shall be transported to and removed from the site by sea by way of the existing jetty at the Marine Construction Yard, to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a Transport Management Plan which shall include matters such as identification of the routes for delivery of construction materials to the site and times of day when the deliveries can be made; the Traffic Management Plan shall be implemented in accordance with the approved details to the satisfaction of North Ayrshire Council as Planning Authority.

5. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a Construction Method Statement which shall detail measures to be put in place to avoid any materials or contaminants being released into Portencross SSSI and which shall examine specific aspects of the proposals, e.g., piling for turbine base foundations, storage of fuel which may pose higher pollution risks, general on site procedures for dealing with accidental pollution incidents; the agreed Construction Method Statement shall be provided at least two months prior to work commencing on site and the measures contained in the approved Construction Method Statement shall be implemented throughout the duration of the construction and operation of the site, to the satisfaction of North Ayrshire Council as planning authority.

6. That at the reasonable request of North Ayrshire Council as Planning Authority or following a valid complaint to the Planning Authority relating to noise immissions, ie. the sound heard by the observer, arising from the operation of the wind turbines, the operator shall employ a suitably qualified acoustic consultant or other competent person to measure the level of noise immission from the wind turbines at the property to which the complaint relates. The measurement and calculation of noise levels shall be undertaken in accordance with pages 102-109 of ETSU-R-97 (ETSU-R-97 the Assessment and Rating of Noise from Wind Farms) including the type, classification and calibration of the measuring equipment, the location of the microphone, the relevant weather conditions and the analysis and presentation of the measured noise data or such other method agreed in writing by the Environmental Health Service of North Ayrshire Council. Where the operation of the wind turbines, when assessed at any noise sensitive premises is likely to result in audible tones, the noise immission level shall be rated as detailed in ETSU-R-97 pp 104-109, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That during night hours defined in ETSU-R-97 as 2300 to 0700 on all days, the wind turbine noise immission level at any property lawfully existing or with planning permission at the time of the consent shall not exceed the LA90, 10min levels as detailed in table "11.7: Night Time Noise Limits" of the "Hunterston National Off Shore Wind Turbine Test Facility Volume 1: Environmental Statement" or the measured existing LA90, 10min noise level (to be calculated from data measured from the Background Noise Survey referenced in "Hunterston National Off Shore Wind Turbine Test Facility Volume 1: Environmental Statement") plus 5dB(A), whichever is the greater. In the case of locations not included in table 11.7, the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

8. That, during Quiet Waking Hours, defined in ETSU-R-97 as 1800 to 2300 on all days, plus 1300 to 1800 on Saturdays and 0700 to 1800 on Sundays, the wind turbine noise immission level at any property lawfully existing or with planning permission at the time of this consent shall not exceed the ETSU-R-97 derived daytime noise limit of 35db LA90, 10min or the measured existing LA90, 10min noise level (as detailed in table "11.5: Daytime Operational Noise Limits" of the "Hunterston National Offshore Wind Turbine Test Facility Volume 1: Environmental Statement") plus 5dB (A), whichever is the greater. In the case of locations not included in table 11.5 of the "Hunterston National Offshore Wind Turbine Test Facility Volume 1: Environmental Statement", the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

9. That, in respect of the 24 hour contact number to which complaints about noise nuisance can be made which has been supplied by the applicants, on receipt of any complaint directly made to the applicants, the applicants shall acknowledge receipt of the complaint to the complainant by telephone and shall notify North Ayrshire Council as planning authority both of the complaint and of the acknowledgement, all within 72 hours of receipt of the complaint. On confirmation by North Ayrshire Council as planning authority that a noise complaint, whether received directly by the Council or via the applicants, is valid Condition 6 shall apply. The result of the investigation required under Condition 6 shall be communicated to North Ayrshire Council as planning authority and to the complainant within 30 days of receipt of the complaint.

10. That, in the event that the noise levels specified in Table 11.18 and Table 11.19 of the Environmental Statement are shown to be exceeded as a result of Condition 6, the operator or manufacturer(s) of the turbine(s) shall identify and implement such measures as are necessary to reduce the levels to no greater than those specified in Table 11.18 and Table 11.19. Such measures may include temporary cessation of the turbine(s) operation.

11. That, within the first four weeks following commissioning of each wind turbine, the operator shall employ a suitably qualified acoustic consultant or other competent person to record and measure the level of noise immission from the wind turbines at a minimum of four locations, to be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of such monitoring. The locations shall be as close as possible to noise monitoring locations presented in Figure 11.1 of the Environmental Statement. The measurement and calculation of noise levels shall be undertaken in accordance with pages 102 - 109 of ETSU-R-97 (ETSU-R-97 the Assessment & Rating of Noise from Wind Farms) including the type, classification and calibration of the measurement equipment, the location of the microphone, the relevant weather conditions and the analysis and presentation of the measured noise data, or such other method agreed in writing with North Ayrshire Council as Planning Authority. Where the operation of the wind turbines, when assessed at any noise sensitive premises, is likely to result in audible tones, the noise immission level shall be rated as detailed in ETSU-R-97 pp 104-109. In the event that the limits set out in conditions 7 and 8 are not met the operator or manufacturer(s) shall identify and implement such measure as are necessary to comply with the limit.

12. That the recommendations contained in the document "Hunterston NOWTTF Environmental Statement: Volume III, Technical Appendices, Appendix 9.1 - Hydrology and Ground Conditions Desk Study, Item 7 Conclusions and Recommendations" regarding the proposed contaminated land strategy shall be implemented and the subsequent findings submitted for the written approval of North Ayrshire Council as Planning Authority; contaminated land issues arising from the proposal on nearby natural and farmed shellfish beds shall be included in the scope of the contaminated land strategy, to the satisfaction of North Ayrshire Council as Planning Authority.

13. 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.

14. That, except with the prior written agreement of the Environmental Health Service of North Ayrshire Council (e.g. by means of an application under Section 61 of the Control of Pollution Act 1974), construction works likely to give rise to noise audible at the curtilage of any nearby noise sensitive premises shall be carried out only during the following times: Mondays - Fridays (excluding public holidays) 0800-1800 hours and Saturdays 0800-1300 hours; plant, machinery and operating methods shall be selected and used in accordance with BS 5228: Noise Control on Construction and Open Sites and the Control of Pollution Act 1974 to minimise nuisance from noise and vibration, all to the satisfaction of North Ayrshire Council as Planning Authority.

15. That the welfare facilities (toilets) provided on site shall be connected to the public mains sewerage system; otherwise prior to the commencement of the development the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority proposals to demonstrate how foul sewerage from the development can be disposed of without causing nuisance.

16. That all mitigation measures detailed in Volume 1 of the Environmental Statement shall be implemented in accordance with the details described therein, to the satisfaction of North Ayrshire Council as Planning Authority.

17. That, prior to the commencement of the development, the applicants shall agree a Detailed Emergency Response Plan with North Ayrshire Council as Planning Authority in consultation with the Nuclear Site Licensees, Emergency Planning Consultative Committee and the Ayrshire Civil Contingencies Team which shall include details of all emergency planning requirements for the site during construction and operational phases and options for consultation meetings if required. The Detailed Emergency Response Plan shall also provide details of plant location, heights and sizes, alerting and notification arrangements, muster points, shelter areas, emergency evacuation routes, arrangements with emergency services and emergency contact numbers etc., all to the satisfaction of North Ayrshire Council as Planning Authority.

18. That, prior to the commencement of the use of the turbines and meteorological masts, they shall be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, to the satisfaction of North Ayrshire Council as Planning Authority.

19. That, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority, all phases of construction shall take place out-with October to February inclusive.

20. That, prior to the commencement of the development, the applicant shall submit a report to demonstrate any effects that turbulence might have on dust and to mitigate any adverse effects, for the written approval of North Ayrshire Council as Planning Authority. Thereafter any such mitigation measures shall be implemented, prior to the operation of the wind turbines, all to the satisfaction of North Ayrshire Council as Planning Authority.

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

1. To restrict the development to the terms of its justification/special need and to meet the requirements of SEPA.
2. In the interest of the amenity of the area.
3. To minimise disruption on the road network.
4. To minimise disruption during peak traffic and to local residents along the road network.
5. To meet the requirements of Scottish Natural Heritage/To meet the requirements of the Scottish Environment Protection Agency.
6. To meet the requirements of Environmental Health.
7. To meet the requirements of Environmental Health.
8. To meet the requirements of Environmental Health.
9. To deal with noise complaints timeously.
10. To monitor and minimise noise.
11. To monitor and minimise noise.
12. To meet the requirements of Environmental Health.
13. To meet the requirements of Environmental Health.
14. To meet the requirements of Environmental Health.
15. To meet the requirements of Environmental Health.
16. In the interest of the amenity of the area.
17. In the interest of safety.
18. To meet the requirements of the Ministry of Defence.
19. To minimise disturbance to wintering birds.
20. 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

14/00164/PPM



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NORTH AYRSHIRE COUNCIL

Agenda Item 6

23 April 2014

Planning Committee

Subject: Enforcement Notice: West Kilbride: 10 Avondale Road

Purpose: To seek approval to serve an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring cessation of unauthorised business use.

Recommendation: That the Committee approves the serving of an Enforcement Notice to effect the cessation of the unauthorised business use.

1. Introduction

- 1.1 This report recommends the service of an Enforcement Notice requiring the cessation of a business use at 10 Avondale Road, West Kilbride, KA23 9BJ ("the Property".)
- 1.2 10 Avondale Road is a corner plot, located on the western side of Avondale Road, at the junction with Drummilling Drive. The area is predominantly residential in character. The lawful use of the property is residential. A landscaping business has begun operating from the property and its current use is a mix of residential and business.
- 1.3 The business use is of a scale which is detrimental to the amenity and character of the residential area. Whilst the business primarily operates away from the property during the day, the use causes disturbance to neighbouring residential properties early in the morning, in the evenings and at weekends. The business use is contrary to Policy RES 9 'Working from Home,' of the adopted North Ayrshire Local Plan (excluding Isle of Arran). Policy RES9 states that development arising from working from home, or associated outbuildings, shall accord with the Local Plan *provided the development is not of a scale detrimental to the amenity or character of the residential area* . The business use is also contrary to RES 6 'Working from Home,' of the proposed North Ayrshire Local Plan. This policy is a re-iteration of Policy RES 9. It is hoped that the proposed North Ayrshire Plan will be adopted shortly.

2. Current Position

- 2.1 The Council first received complaints regarding the business use of the Property in June 2013. Site inspections and meetings with the occupiers of the Property were carried out. A meeting was held at Council Offices between the occupiers of the property and Planning Officers. The occupiers were asked to provide in writing details of the business operation. The Council would then advise if permission was required and whether it was likely to be granted.
- 2.2 The occupier of the property provided details of the business operation. They confirmed that a landscaping business operated from the property. They kept two vehicles, associated with the business, and had previously had another van on hire. Three other vehicles were kept at the property, but these were not associated with the business use. Two ride-on lawnmowers, two rotary push mowers, two strimmers, three hedgers, two leaf-blowers and assorted tools were kept at the property, as well as a trailer for transportation. The vehicles were loaded at the property and normally left at 07.45-08.00. The vehicles would return between 17.00 and 18.00. Blade inspection of the ride-on lawnmowers was occasionally carried out at the property, but all other equipment and vehicles were serviced off site. One other person would occasionally come to the property to pick up the van, although there had been a period where an additional person had been coming to pick up the hired vehicle. The business use was seasonal and there would be little, if any, activity in the winter and spring seasons.
- 2.3 The complaints which the Council has received about the business use primarily relate to adverse effects on residential amenity. These include complaints regarding noise and disturbance in the mornings, evenings and at weekends. Although the occupier has stated that the business does not operate at the weekends, the Council has received complaints relating to use on Saturdays and Sundays. The Council has also received complaints relating to noise from machinery being loaded onto vehicles between 07.00 and 08.00. Complaints have also related to the organisation at the property, again at times between 07.00-08.00, of a workforce of 3-4 other people. Cleaning and maintenance of the vehicles and equipment has taken place in the garden of the property and causes disturbance to neighbours. The storage of vehicles and the loading of machinery and equipment takes place both within the property and on the road. This causes disruption and difficulty for neighbours attempting to access or leave their properties.

- 2.4 It is clear that there are discrepancies between the information the occupiers of the property have provided the Council and the information received from those complaining about the business use. However, it is also clear, from the occupiers information alone, that planning permission is required for the business use and it is of a scale which is detrimental to residential amenity.
- 2.5 The Council initially asked that the business use did not recommence in Spring 2014 following the period when, according to the occupier, the business would be in hiatus. However, following continued complaints regarding disturbance, the occupiers were then asked to cease by 6 February 2014. This date was given to allow further time to seek appropriate alternative premises. The business use has not ceased. Appendix 1 summarises Planning's correspondence and meetings with the occupiers and complaints received.
- 2.6 The Council has sought to resolve the breach of Planning control through negotiation. Planning Officers encouraged the occupiers to contact both Economic Development and Estates to seek assistance from the Council with respect to relocating the business use. Economic Development has also contacted the occupier directly to offer their assistance. However, the occupier has confirmed to Economic Development that he believes relocating would be detrimental to the business. Assistance from the Council remains available, however, due to the scale of the business and its adverse affect on the amenity of the residential area, it is considered that formal enforcement action seeking the cessation of the unauthorised business use.

3. Proposals

- 3.1 The operation of the business use at the Property is having an adverse impact on the amenity and character of the residential area.
- 3.2 In the interest of the amenity and character of the residential area, it is recommended that Committee approves the serving of a Notice under S.127 of the Town and Country Planning (Scotland) Act 1997 to secure the following:-
- i) Cease the landscaping business use at the Property and remove all vehicles, machinery, equipment and other items associated solely with the business use.

4. Implications

Financial Implications

4.1 N/A

Human Resource Implications

4.2 N/A

Legal Implications

4.3 The proposed enforcement notice is 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. Should an appeal be unsuccessful or no appeal made, the Notice would have to be complied with. 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 Implications

4.5 N/A

Implications for Key Priorities

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

5. Consultations

5.1 N/A

6. Conclusion

- 6.1 It is considered that the serving 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 cessation of the unauthorised business use at 10 Avondale Road, West Kilbride

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

CRAIG HATTON
Corporate Director (Development and Environment)

Reference : ID

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

Background Papers

Town & Country Planning (Scotland) Act 1997
Unauthorised business use

Location: 10 Avondale Road, West Kilbride KA23 9BJ

Complaint Details

Complaints have been received from June 2013 in relation to the use of 10 Avondale Road, West Kilbride as a mixed business and residential property. This report sets out the background, the negotiations and correspondence and a summary of the complaints received by Planning. The property is owner occupied.

Background

In January 2013 a complaint was received that a garage was being built in the garden of 10 Avondale Road, West Kilbride. On inspection it was discovered that the garage was to be built so that it would constitute permitted development under Class 3A of Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order (as amended). A garage can only be constructed under Class 3A so long as it is to be used for any purpose incidental to the enjoyment of the associated dwellinghouse. The occupier of the property was asked what the garage was intended for. They stated it was to be used for the storage of vehicles and materials associated with the dwellinghouse. They stated that they ran their own business but the machinery and associated vehicles were kept at a yard in Paisley.

Other works to the property were proposed, including the laying of a driveway and erection of fences, which did not require planning permission. (A fence to the south eastern corner of the property has been erected which is above the permitted 1metre in height. The occupier has been instructed to reduce this to 1metre in height so that it constitutes permitted development.)

In June 2013, complaints were received that the property was being used for business purposes.

Negotiations and Correspondence

On 4 June 2013, the Planning Inspector spoke to the occupier of the property on the phone. The occupier admitted that he was storing two commercial grass cutters in the garage. He stated that his yard in Paisley had been broken into and he no longer considered it to be secure. The occupier was advised that planning permission would be required for the business use of the property. He was asked to remove equipment associated with the business use within 1 month.

On 7 June 2013, the occupiers of the property met at Cunninghame House with the Planning Inspector. The occupiers did not consider that a change of use requiring planning permission had occurred as they were only storing two lawnmowers. They were advised that whether or not a use required planning permission was a matter of fact and degree. A meeting on site was arranged.

The property was inspected on 13 June 2013. At that time, the garage contained domestic furniture, building materials associated with the house, a small lawnmower and two ride-on lawnmowers. The occupier stated that the ride-on lawnmowers were used once a week between April and November and were never loaded onto their trailer before 09.00. The trailer and a van were the only other vehicles associated with the business kept at the property.

Throughout June and July complaints continued to be received regarding disturbance from the business use. The complaints alleged the use went further than that described to the Planning Inspector on 13 June 2013. It was alleged that further trailers and machinery were being stored at the property. Maintenance and repair of machinery took place on site and that a workforce congregated at and was organised from the property. The use occurred all week including weekends.

The Council wrote to the occupier on 9 August 2013. This letter stated that in light of the recent use of the property, the Council was of the opinion that planning permission was required and due to the Council's policies permission was unlikely to be granted. The letter asked that the business use of the property cease; by ceasing storage of machinery and fuel associated with the business, ceasing repairs and ceasing the use of the property as a meeting place for the work force. The letter asked that this be done within 4 weeks.

A letter dated 15 August 2013 was received from the occupier. The letter stated that they felt they were the subject of a vendetta from a neighbour. They felt that the activities which were being undertaken were such which could be undertaken at any residential property. The Council responded on 29 August 2013. This stated that all the individual activities they were undertaking (parking of vehicle and trailers, storage of fuel, machinery repairs, congregation of workforce) had to be considered as a whole. Having done, this the Council was of the opinion a material change of use requiring planning permission had occurred. The adverse effect of the use on local amenity and character was why the Council had asked for the use to cease, however, they were entitled to apply and any application would be determined on its merits.

On 10 September 2013, the occupiers of the property met the Planning Inspector and Senior Planning Services Manager at Cunningham House. The occupiers wanted to know at what level they could operate their business without planning permission being required. They were advised to put in writing exactly how their business operated. The Council could then advise if permission was required and if it would be granted. The key policy was the Council's Local Plan Policy RES9 and they were given a copy of this. The Council could also advise on alternative premises.

The occupier provided information of how the business operated by e-mail dated 17 September 2013. They confirmed that the landscaping business operated from the property. They kept two vehicles, associated with the business, and had previously had another van on hire. Three other vehicles were kept at the Property but these were not associated with the business use. Two ride-on lawnmowers, two rotary push mowers, two strimmers, three hedgers, two leaf-blowers and assorted tools were kept at the Property, as well as a trailer for transportation. The vehicles were loaded at the property and normally left at 07.45-08.00. The vehicles would return between 17.00 and 18.00. Blade inspection of the ride-on lawnmowers was occasionally carried out at the property but all other equipment and vehicles were serviced off site. One other person would occasionally come to the property to pick up the van, although there had been a period where an additional person had been coming to pick up the hired vehicle. The business use was seasonal and there would be little, if any, activity in the winter and spring seasons.

On 9 October 2013, the Council wrote to the occupiers. This letter stated that on the basis of the information they had provided, planning permission was required and was unlikely to be granted as the use was of a scale which was detrimental to the amenity of the residential area. The occupier was provided with details of Economic Development and Estates and advised to contact them regarding potential alternative premises. They were advised that the business use of the property should not recommence in Spring 2014 following the period where they had stated there would be very little activity.

A letter dated 23 October 2013 was received from the occupier. This stated that they did not intend to apply for planning permission. They also stated again that there would be very little business activity at the property in winter and spring. They requested further information on what business activities they must relocate. They also stated that they had contacted the Council regarding alternative locations but had been turned down because their needs had been defined as storage and not commercial.

The Council responded by letter dated 4 November 2013. The letter gave advice on the use classes that commercial premises can be put to without the need for planning permission. It also said that they could pass on the Planning Inspector's details to anyone wishing further information. The letter gave advice on what was required in order to ensure the business use ceased. The letter advised that storage of machinery and equipment should be carried out elsewhere. The vehicles for the business should also be stored at an appropriate location. With the storage of the machinery, equipment and business vehicles elsewhere, other business activities such as servicing, maintenance and picking up of equipment/vehicles by member of the workforce would no longer take place at the property. The material change of use requiring planning permission, would in these circumstances, have ceased.

Complaints about disturbance from the business use continued to be received throughout November 2013. The occupiers' details were passed to Economic Development to see if they could contact them directly. The occupiers were also written to by letter dated 6 December 2013. This stated that despite their assurances that the business would cease in the winter, the Council continued to receive complaints regarding disturbance from the use. The letter asked that the use cease within 2 months of its date. This time period was given in order to allow them more time to find an appropriate alternative location.

The occupier responded by e-mail on 8 December 2013. They asked for details of the recent complaints about the use. An e-mail response of 10 December 2013 informed them that the complaints related to the weeks leading up to 3 December 2013, including the storage of tipper truck at the property on the weekend of 1 December 2013. A further e-mail from the occupier was received on 11 December 2013. He considered the investigation to be harassment and requested the details of those who had made the complaints. He was informed by response on 12 December 2013 that he could make a formal Freedom of Information Request but the details may be protected by the Data Protection Act.

Complaint Summary

The Council has received complaints from 5 separate local residents. The complaints have been received from June 2013 through to April 2014.

The main reasons for complaints about the business use are as follows:

Noise disturbance from loading and unloading of machinery, vehicle movements and the servicing of machinery and equipment,

Business activity early in the morning, in the evenings and at weekends,

Increase in vehicular traffic including parking and loading of business vehicles at junction of Avondale Road and Drummiling Drive, causing difficulties with driving sightlines and access and egress from properties.

Complainants have also been concerned by the perceived potential safety impacts of the storage of commercial equipment and associated fuel in a primarily residential area.

Current Position

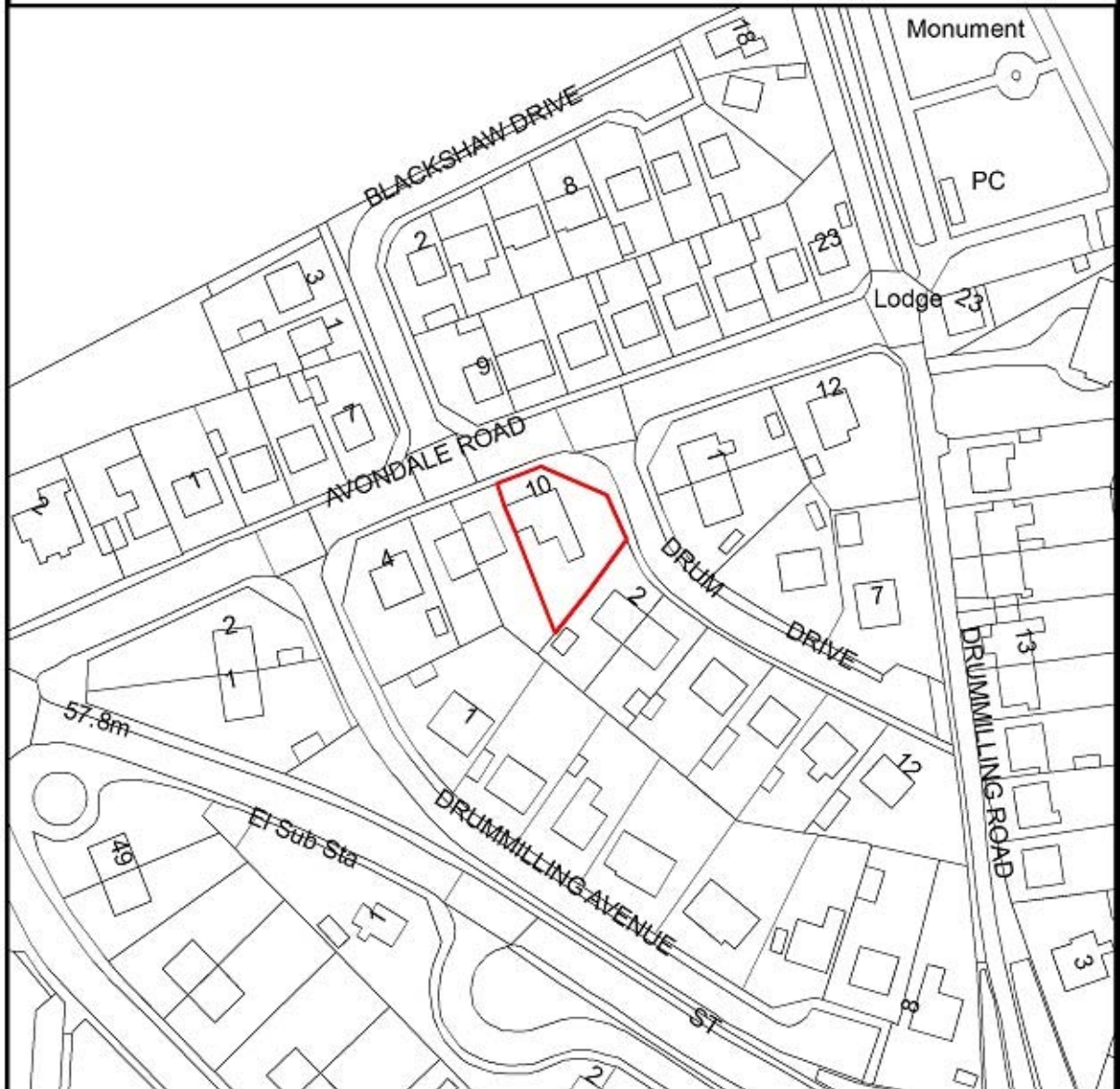
The business use of the property should have ceased by 6 February 2013. A letter was sent to the occupier on 13 February 2013. This stated that the Council was considering formal enforcement action requiring the cessation of the business use. The letter asked that any representations they may wish to make whilst the expediency of enforcement action was being considered be submitted within 14 days. No representations were received.

Despite the negotiations undertaken as detailed in above, the property continues to be used as an unauthorised mixed business and residential use. The remaining option available to the Council to resolve the issue is to serve a Notice under Section 127 of the Town and Country Planning Act requiring that the business use cease. Should the Notice be issued and take effect, all those with an interest in the property will have to ensure that the requirements of the Notice are met. Failure to comply with the Notice could result in those responsible being reported to the Procurator Fiscal.

Planning Inspector
April 2014

Enforcement Notice

10 Avondale Road, West Kilbride



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NORTH AYRSHIRE COUNCIL

Agenda Item 7

23 April 2014

Planning Committee

Subject: **Ardrossan North Shore Design Principles**

Purpose: To provide design principles to guide the future development of the Ardrossan North Shore site.

Recommendation: Approve the design principles contained within Appendix 1.

1. Introduction

- 1.1 Planning Permission in Principle (PPP) was granted in May 2013 (ref: 11/00865/PPPM) for a development comprising residential units, a nursing home, commercial units, distributor road and coastal defence works at Ardrossan North Shore. The application was submitted by a joint venture company comprising Irvine Bay Regeneration Company and Clydeport, established with the aim of promoting and accelerating the redevelopment of this part of the harbour area.
- 1.2 A Matters Specified by Conditions application, pursuant to the above PPP consent (ref: 13/00509/MSCM), was lodged on 18 Oct 2013, and is currently under determination. The application relates to the design of the spine road and coastal defence works. It is anticipated that this application will be withdrawn, subject to the approval of these design principles.

2. Current Position

- 2.1 The Ardrossan North Shore site is an important regeneration opportunity within North Ayrshire. Successes to date in the wider master plan area 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.
- 2.2 It is recognised that the coastal frontage of the Ardrossan North Shore site is particularly sensitive, and so a design solution sympathetic to the coastal nature of the site should be provided which is in accordance with the Council's approved Coastal Design Guidance. Furthermore, the development of this large scale site will be undertaken in phases, over an extended period of time, and likely with multiple developers with different house type products.

2.3 For these reasons, a set of 'design principles' (see Appendix 1) has been drafted to guide developers in working up detailed proposals for future phases of development given the unique and sensitive nature of this site. The principles include:

- A suggested configuration for the coastal frontage of the site, which is a sea wall with coastal path and open space area adjoining. A promenade street should also be provided as the principle means of vehicular traffic movement along the frontage of the site. Housing development of substantive scale along the coastal frontage should be set close to the promenade street, and in curtilage parking provision in this area should be limited to avoid visual clutter from vehicles;
- The need for consistency in materials and elevations, as far as possible, amongst different phases of development; and
- Guidance on the hierarchy of streets types within the development (i.e. road widths, segregation between motorists and pedestrians).

The design principles, if approved, will be used as a material consideration in the determination of subsequent planning applications on the site. For the avoidance of doubt, the principles are in addition to the Coastal Design Guidance mentioned above.

3. Proposals

3.1 The design principles provide a clear statement of intent by the Council in terms of the design expectations for development of the Ardrossan North Shore site, to enable both quality and consistency of design as the site is built out. They will also provide a degree of certainty to future developers in working up their proposals. The design principles at Appendix 1 would be a non-statutory material consideration to be used in the determination of planning applications within the Ardrossan North Shore site.

4. Implications

Financial Implications

4.1 None.

Human Resource Implications

4.2 None.

Legal Implications

4.3 None.

Equality Implications

- 4.4 None.

Environmental Implications

- 4.5 None.

Implications for Key Priorities

- 4.6 Adoption of the design principles should enhance the future design of the development, and so contribute to the Council Plan objective of regenerating communities by ensuring that our built environment is of high quality.

5. Consultations

- 5.1 Internal consultation was undertaken with the Access Officer, Transportation, and the Flooding Engineer.

6. Conclusion

- 6.1 Ardrossan North Shore is a major regeneration opportunity. The design principles at Appendix 1 should ensure that the development of this high profile site is of sufficient quality, and that consistency across phases built out over an extended period is maintained.



CRAIG HATTON
Corporate Director (Development and Environment)

Reference : KY/JM

For further information please contact James Miller, Senior Planning Services Manager on telephone number 01294 324315

Background Papers

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Ardrossan North Shore Draft Design Principles



NORTH AYRSHIRE
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Ardrossan North Shore: Draft Design Principles

Introduction

The site is subject to a joint venture between Irvine Bay Regeneration Company and Clydeport LLP. Planning Permission in Principle (PPP) has been granted for a large scale, residential led, mixed use development.

The site is within a high profile, coastal location within Ardrossan, and marks a significant redevelopment opportunity of a brownfield site. Nonetheless, it has been a challenge for the JV partnership to identify and retain a development partner due to the market location and complexity of the site (phasing, contamination levels etc.).

The development will be built in phases, likely over at least a ten year period. There is a high probability that the residential element will be built by multiple developers.

Design Parameters

In light of the above, it is important that the development of the site is managed in such a way that respects the nature of the site and its coastal location, but remains deliverable from a commercial perspective. The phases of development cannot be considered in isolation; design parameters need to be established to guide development across the entire site.

In addition, there are a number of design policies which set the context for delivery of the site. These include Designing Streets, Coastal Design Guidance and Neighbourhood Design Guidance.

In considering the policies above, and in consultation with a variety of stakeholders including planning, transportation, outdoor access, flooding and streetscene, as well as the developers themselves, the following design parameters have been drafted and will guide determination of future applications, along with the other policies of the Council.

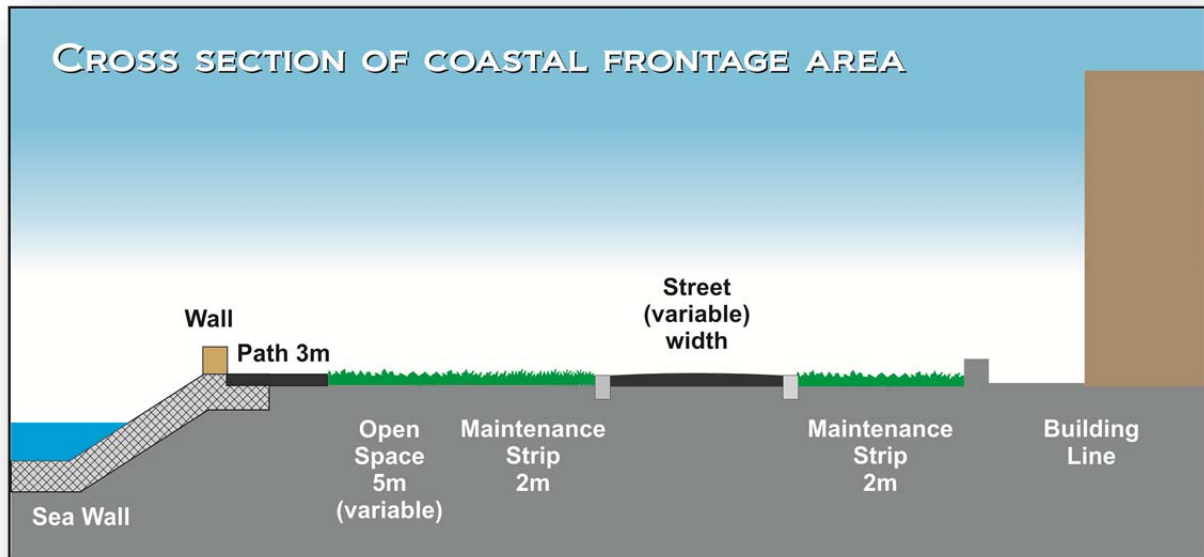
The site can accommodate a range of house types. The choice of house types along the coastal frontage should be of substantive and high quality design.

Coastal Frontage

The coastal frontage is a key area for the site. The following principles will apply to this area:

- The configuration of the revetment, sea wall, coastal path, open space, service strips and promenade street will generally be in accordance with the following cross section. The width of the open space and promenade street will vary to provide interest, and to also accommodate parking areas and larger portions of open space for play and other forms of outdoor recreation.

- Residential development along this frontage will generally have a build line within a few metres of the promenade street. Majority of parking to be provided either to the side or rear of the plot, in order to reduce the visual impact of parking, and to provide scale and massing of development which is consistent with a coastal location. It is an aspiration to limit suburbanisation of the promenade street, therefore only limited plots with driveways and frontage access will be permitted.



Elevations

As multiple developers may be developing out future phases with coastal frontage, some coherence of architectural style, scale and massing will require to be retained on the frontage areas of the site. Architectural details such as roof pitches, fenestration, colours and materials should be consistent along the promenade area of the site. The preference will be for white, cream and/or pastel coloured roughcast, with limited facing brick detailing.

Access and Street Design

Designing Streets requires a high level of accessibility within new development, with the focus on sense of place and movements for all users rather than just vehicular movements.

Internal connectivity will be considered on a site by site basis, however the use of vennels along the coastal frontage to increase permeability will be required, and multiple pedestrian and vehicular access points within each phase will be required. Development at phase boundaries should be designed in such a way that the design treatment can be continued into the next phase.

The principles for street design are to encourage the creation of streets for all users and discourage design aimed solely at meeting the needs of car traffic through;

- Designing street to cater for expected level of vehicular movement
- Establishing appropriate widths
- Designing streets to a maximum speed of 20mph
- Providing for pedestrians where expected flows increase

The relevant section of promenade street should be designed in detail with each phase of development as the development progresses. It will not be acceptable to establish the layout of the promenade street in advance or in isolation of the development phases fronting on to it.

As per the planning condition attached to the development site, an access path through the site shall be retained at all times.

Appendix 1 provides further outline guidance on the principles above.

Parking

Care must be taken across the development phases to ensure that parking arrangements do not dominate the streetscape. The use of concealed parking courts, side and rear vehicular parking, on street parking (in centre or at kerb) and landscaped buffers will alleviate this. See examples below:

Sufficient visitor parking is also required, as it is envisaged that the area will be a popular place for visitors to park and walk along the coastal path.



Open Space/Landscaping

On the outline masterplan for the site, an indicative central area of open space is shown. It is considered that this open space should be provided alongside the coastal path, and be integral to the coastal frontage. Equipped play should be provided within this area, and there will be no requirement for equipped play elsewhere in the site.





As noted above, the main area of open space will be focused along the coastal frontage. Incidental amenity landscaping within the residential development area should be designed in, as opposed to the 'leftover' areas being grassed and/or shrubbed up. Landscaped areas should not obstruct any desire lines- otherwise this is likely to result in the area not being established and left in a poor state due to pedestrians walking on it.

Examples of 'designed in' landscaping are shown below. The landscaped areas can be integrated into the streetscape, and/or help to frame boundaries or delineate change of use:



An open space strategy is required as a condition of the planning consent, and should reflect the above principles.

Interpretation

The development site will eventually comprise over 400 houses. Interpretation into and around the site will be important. Interpretative design features should be integrated into each phase of the development. These can include signage, street furniture, street art, key buildings etc. Views in and through the development should be considered.

Bin Storage

Arrangements for refuse storage and collection should be integrated into the development. Consideration should be given to refuse vehicle access, collective bin storage areas, and routes for residents from storage to collection areas.

SUDS

No SUDS scheme is likely to be required, as the surface water from the development will discharge straight to coastal waters.

Management and Maintenance

Future management and maintenance arrangements will require to be agreed between the developer and the Council in relation to the street, revetment, open space and multi user paths.

APPENDIX 1

Basic Street Principles

PRINCIPLE

To encourage the creation of streets for all users and discourage design aimed solely at meeting the needs of car traffic through;

- Designing street to cater for expected level of vehicular movement
- Establishing appropriate widths
- Designing streets to a maximum speed of 20mph
- Providing for pedestrians where expected flows increase

Levels of vehicular movement

The design of streets requires to be based on the peak flows likely to be encountered. This is averaged at 0.5vph to 0.6vph per dwelling, average based on 2012 figures. However if the site is deemed as having the potential to have high or low car ownership then this figure can be adjusted. For reference, use Census data for similar areas in the vicinity.

Using this information the cumulative two way flows through the site can then be established for each street.

Establishing appropriate widths

A 5.5m width allows all vehicles to pass each other at low speed. Given the infrequency of large vehicles on residential streets, this width will normally be the maximum required to cope with residential traffic, for up to 300 dwellings. Below 5.5m the carriageway will be too narrow for the free movement of large service vehicles such as pantechnicons. Where such vehicles are allowed access, passing places may be required. The carriageway width required between passing places will then depend upon the combinations of vehicle types expected; the frequency with which vehicles may meet each other and the delay which may be caused to traffic movement. These factors may be expected to vary with traffic volumes.

At 4.8m the carriageway will allow a wide car to pass a large service vehicle such as a pantechnicon.

At 4.1m the carriageway will be too narrow for large service vehicles such as pantechnicons to pass vehicles other than cyclists. It does however allow wide cars to pass each other. Hence, while being more restrictive on the movement of large vehicles, a width of 4.1m will still provide two-way flow for the majority of residential traffic. Below 4.1m the carriageway will be too narrow for private cars comfortably to pass each other except at very low speed and may be uncomfortable for cyclists in conjunction with large vehicles. Widths of less than 4.1m therefore should be regarded as catering only for single-file traffic.

The choice of width below 4.1m will depend largely upon the frequency and ease with which cyclists and cars may need to pass each other. It is suggested that 3.5 metres (3.3 metres absolute minimum) be regarded as the minimum width between passing bays on a single-track system. It is suggested that a single track system can be used for flows below 25vph – 30vph peak.

Maximum Speed of 20mph

By:

- Use of built form
- Frequent narrowings
- Street furniture
- Restricted visibility
- Reference to external guidance

Vertical calming measures not advised

Providing for pedestrians

It should be emphasised that this is guidance only and should not be the rule. External guidance is available for all user requirements.

Up to 10vph (20vph)	no demarcation shared level surface (loops)
10vph (20vph) to 30vph	1.5m minimum demarcation zone level surface
30vph to 100vph	2.0m minimum footway (30mm upstand) on both sides (preferred depending on volume of vehicles and pedestrians), 0.3m to 0.6m maintenance margin on opposite side if only one footway.
Over 100vph	2.0m minimum footway on both sides, kerb upstand dependant on expected flows.

