



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

Cunninghame House,  
Irvine.

8 January 2015

### **Planning Committee**

You are requested to attend a Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 14 JANUARY 2015** at **2.00 p.m.** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of meeting of the Committee held on 3 December 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. Kilwinning**

Submit report on the following applications:

**14/00656/DCMS:** Hullerhill Sand Quarry, Kilwinning  
Periodic review of mining site

**4. Ardrossan, Saltcoats and Stevenston**

Submit report on the following applications:

**14/00593/PPPM: Site to West of First Avenue, Stevenston Industrial Estate, Stevenston.**  
Planning Permission in Principle for residential development

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## Planning Committee

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

(Chair)  
(Vice-Chair)

Chair:

Attending:

Apologies:

Meeting Ended:



Planning Committee  
3 December 2014

**IRVINE, 3 December 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 Bruce, Ronnie McNicol and Robert Steel.

**Also Present**

John Hunter.

**In Attendance**

A. Hume and R. Middleton, Senior Development Management Officers (Planning, Transportation and Regeneration); J. Law, Solicitor (Contracts and Licensing) and M. Anderson, Acting Committee and Member Services Manager (Chief Executive's Service).

**Chair**

Councillor Brown in the Chair.

**Apologies for Absence**

John Bell, Joe Cullinane, Tom Marshall and Jim Montgomerie.

**1. Declarations of Interest**

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

**2. Minutes**

The accuracy of the Minutes of the Committee held on 12 November 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

## **2.1 Matter Arising**

The Senior Development Management Officer reported verbally on an issue highlighted by Councillor Bell with regard to objections received in respect of Item 3.2 (14/00467/PPM: Willowyard Road, Beith).

The Committee was advised that, although a letter of objection had been received from Kilbirnie and Glengarnock Community Council, its heading referred to two previous applications at Willowyard rather than to planning application 14/00467/PPM and, for that reason, it had not been included in the committee report. In the circumstances, however, given that the matters raised by the community council had been addressed in response to other objections referred to in the report, there had been no detriment in terms of the information available to Members in determining the application.

Noted.

## **3. Irvine**

### **14/00640/ADC: Sainsbury's Stores Limited, Ayr Road, IRVINE**

Sainsbury's Supermarkets Limited, per Turley, 115 George Street, Edinburgh has applied for planning permission for the erection of signage to the external retail unit at Sainsbury's Stores Limited, Ayr Road, Irvine.

Councillor Barr, seconded by Councillor Bruce, moved that the application be refused for the reasons set out in the report. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the following ground:-

1. That the advertisement displays are contrary to both Policy A3 of the approved Local Development Plan and the approved Control of Advertisements Policy of North Ayrshire Council by reason of their location, prominence and visual clutter to the detriment of the visual amenity of the area.

#### **4. Ardrossan, Saltcoats and Stevenston**

##### **14/00509/PPP: Ardrossan Rugby Football Club , Sorbie Road, Ardrossan**

Ardrossan Academy Memorial Field Trust, Memorial Field Pavilion, Sorbie Road, Ardrossan has applied for planning permission in principle for the erection of a clubhouse pavilion, including the formation of car parking at the erection of a flatted development at Ardrossan Rugby Football Club, Sorbie Road, Ardrossan. Ten letters of objection have been received, as detailed in the report.

Councillor Hunter addressed the Committee and intimated concerns regarding the incremental loss of open space in this area, traffic management, issues relating to noise, and the appropriateness of such development on a war memorial field.

Councillor McNicol, seconded by Councillor Bruce, moved that the application be refused as contrary to Policy ENV12 of the Local Development Plan as it would set a precedent for the incremental loss of open space. There being no amendment, the motion was declared carried.

Accordingly, the Committee, having considered the terms of the objections, agreed to refuse the application on the following ground:-

1. That the proposed development would be contrary to Policy ENV 12 of the Local Development Plan in that it is for a use other than outdoor recreational or physical activity purposes which would set an undesirable precedent for the incremental loss of open space in the wider Laighdykes area.

#### **5. 14/00643/ADC: Kilbirnie Dental Surgery, 1 Bridgend, Kilbirnie**

Kilbirnie Dental Surgery, 1 Bridgend, Kilbirnie has applied for planning permission for the erection of two externally illuminated fascia signs to the side elevations of the dental surgery at that address.

Councillor Barr, seconded by Councillor Ferguson, moved that the application be approved, subject to the conditions set out in the report. There being no amendment, the motion was declared carried.

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

1. That the display shall be for a period of 5 years from the date of this consent.
2. That the unauthorised signage on the gables shall be removed within two months of the date of this consent, to the satisfaction of North Ayrshire Council as Planning Authority.

The Meeting ended at 2.40 p.m.





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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 3**

Planning Committee

**14 January 2015**

Planning Area

**Irvine/Kilwinning**

Reference

**14/00656/DCMS**

Application

**7th November 2014**

Registered

Decision Due

**7th February 2015**

Ward

**Kilwinning**

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

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**Location**

Hullerhill Sand Quarry, Kilwinning

**Applicant**Hugh King & Co.  
Hullerhill Sand Quarry  
Kilwinning**Proposal**Periodic review of mining site

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**1. Description**

This proposal seeks to update the planning conditions for the quarry operations at the above site in accordance with the periodic Review of Old Mineral Permissions (ROMP) procedure. The present conditions are over 26 years old, and relate to planning permission granted in 1988 (refs. CH/01/88/0184/L and CH/01/88/0237/L ). The proposed conditions were drafted by a firm of consultants who specialise in planning for minerals .

The application was submitted in November 2014 following contact by Planning Officers. The review had been postponed from 2003. The application initially presented 25 conditions, which were reviewed and minor modifications were undertaken by Officers. The edited version of the conditions were issued to the applicant for consideration, and the applicant agreed to the changes on 24th November 2014.

It is now considered that the resulting 25 conditions represent an improvement, in accordance with current best practice (ref. PAN 50 and Circular 34/1996), on the previous 1988 consents, when permissions were granted for an extension to the quarry workings, subject to 12 conditions, and for modifications to conditions imposed on earlier consents.

The main effect of the proposed conditions would be to extend the period of quarry operations until February 2042, by which time the final restoration of the site would take place during the following 12 months. Prior to then, restoration works would take place on a progressive basis. Conditions have been proposed in respect of a series of environmental considerations, including transportation, water management, soil storage, dust suppression, noise controls, restoration and after care. Furthermore it is proposed to submit a 5 yearly audit to indicate progress made with respect to quarry workings, restoration and projected operations. The restoration scheme would be based on amenity, biodiversity and recreational issues.

The application has been accompanied by a planning and environmental review document, which indicates that Hullerhill Quarry extends to some 23.3 hectares. The operational area occupies 16.1ha with the remaining 7.2ha planted as amenity woodland. The quarry has operated since the late 1970s for the extraction of sand, and the site includes processing plant to wash, grade and dry the products. Whilst originally the main market for Hullerhill was refractory casting sand for glass manufacture, the market for the Hullerhill sand is now focussed on the sports/recreation and construction sectors.

Hullerhill Quarry is situated in a rural location around 1.6km north-east of Kilwinning. Access to the site is from the B778 Kilwinning - Auchentiber road. The site is bounded mainly by woodland, with agricultural land beyond. Nearby residential properties and farms are located at varying distances ranging from 65m to 500m.

The site comprises of the excavation area, soil storage mounds, site offices, parking areas, processing and batching plants and 2.7ha of undeveloped pasture, where the final phase of sand extraction would take place.

In terms of the adopted North Ayrshire Local Development Plan (LDP), the application site is located within the countryside. Policy ENV 10 relates to proposals for mineral extraction. Whilst the underlying land use allocation is countryside, the proposal requires to be considered in terms of Policy ENV 10 and the General Policy. Scottish Government advice should also be taken into account.

## 2. Consultations and Representations

An advertisement was published in a local newspaper on 21st November 2014. No representations have been received.

### Consultations

**Environmental Health** - no objections, although recommend that the starting time of 0600 hours should be amended to 0700 as per the guidance provided in PAN 50 (Controlling the Environmental Effects of Surface Mineral Workings).

*Response: The applicant has considered this recommendation, and has advised that a 0700 hours starting time would be contrary to their long established working arrangements. There is no hours of operation condition within the 1988 planning permission, and a reduction in working hours could result in a claim for compensation against the Council under the provisions of the Town and Country Planning Act which relate to the ROMP procedure. Furthermore, there have been, to date, no complaints arising from the established pattern of working at the site. It is considered, in these circumstances, that the formalisation of the 0600 starting time through the proposed condition would be acceptable. Accordingly, no further action is required on this matter.*

**Strategic Planning & Infrastructure (Roads)** - no objections.

*Response: Noted.*

**SEPA** - no objections and made various observations, mainly relating to matters under the control of SEPA (Pollution, Prevention and Control Regulations).

*Response: Noted.*

## 3. Analysis

As noted above, the application requires to be considered in terms of the relevant provisions of the adopted Local Development Plan, in particular Policy ENV 10 and the General Policy. Consideration of the application requires to take into account Scottish Government advice on ROMP, in particular Circular 34/1996.

Hullerhill is an operational site and, therefore, the provisions of Policy ENV 10 are only relevant insofar as they relate to the proposed conditions. In particular, criterion (c) and (d) are of relevance to this proposal.

Criterion (c) of Policy ENV 10 states that proposals require to demonstrate that "there are likely to be no unacceptable impacts on the amenity of nearby dwellings or communities or on groundwater, watercourses and water supplies, either during operations or in the longer term." As noted above, both SEPA and Environmental Health were consulted on the application, and neither objected to the proposed conditions, which would include controls relating to the amenity of the surrounding area, including households, and the water environment. It is considered that the proposed conditions would be acceptable and enable the requirements of criterion (c) to be satisfied.

Criterion (d) of Policy ENV 10 states that proposals require to demonstrate that "there are restoration and aftercare plans in place which shall identify a positive end use such as habitat creation or recreation at the earliest opportunity, and which include progressive restoration over the life of the operation. Plans should also include long term proposals for preventing water pollution once operations cease." The submitted application drawings and proposed conditions indicate that progressive restoration of the site would take place, the end use of which would be based largely on amenity woodland and habitat creation. The submitted Environmental Report indicates that public access, in the form of recreational walking routes, would be possible once restoration works are complete. The final restoration works would be carried out during the 12 months after the final sand extraction takes place in February 2042, based on current extraction rates. This extension of time represents a significant change to the 1988 consents, which indicated that Hullerhill would be fully worked by August 2018, based on estimates made at that time. However, as market conditions have changed, annual extraction rates have reduced considerably, leading to the much lengthier period of consent now sought. Notwithstanding this, it is considered that the proposed conditions would provide adequate safeguards to the amenity and environment of the area to enable the proposed extension of time to be considered favourably.

The end use of the site would comprise three distinct components. Firstly, the restoration area would be profiled to create a natural appearance, fully integrated with the surrounding landform. Soil improvement would be undertaken and additional woodland areas would be planted to complement the established areas of woodland on and around the site. Secondly, the quarry bowl, which contains non-permeable sandstone at its base, would fill with rainwater and eventually rise to a level of 64m AOD. Since plant and machinery would be removed from the extraction area, there would be no pollutants entering the water environment once the site has reached its final restoration stage. The water collected in the quarry bowl would not rise above 64m AOD, with a drainage ditch connecting the pond to the Bannoch Burn, which is nearby. The slopes of the pond would be seeded with meadow grasses, wild flowers and marginal aquatic plants. The third component of the restoration scheme would involve the retention of the various buildings and the associated yard, all of which are grouped together at the south-west of the site, which would be retained for agricultural purposes. It is considered that the proposed end use for the quarry would be positive, given the rural location of the site, and that account has been taken of progressive restoration. The northern operational area would be regraded and topsoiled by the end of 2016, after which this area would be planted with broadleaved woodland as a continuation of the existing woodlands to the north and west. The proposed progressive restoration provides justification for the proposed extension of time for quarrying operations at the site.

In terms of aftercare, the review identified a 5 year programme once restoration works are complete. The aftercare proposal mainly relates to monitoring, planting of seeds/trees and sampling of the water. It is considered by the applicant that the need for long term management should be negligible as the restoration proposals are based on encouraging natural colonisation of the area, with grassland grazed regularly by livestock.

Policy ENV 10 also states that the Council would require a bond to secure restoration and aftercare. In this particular case, the previous planning consents did not require a restoration/after care bond at Hullerhill. In a ROMP application, it is not possible to compel an mineral operator to introduce such a safeguard, if in the opinion of the operator, it would "prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site" as stated in Circular 34/1996. In this particular case, the operator considers that there is no requirement for a bond, based on a long history of environmental protection and good site management. To impose a bond unilaterally could result in a claim against the Council for compensation. As an alternative, the operator has proposed a condition that would result in a 5 yearly audit of the site, encompassing working operations, planning conditions and future workings. It is considered that such an audit would effectively act as a regular review process throughout the remaining years of the quarry, and would help to identify any significant issues, which may arise, and is acceptable for the above stated reasons.

With respect to the General Policy, the relevant considerations are (a) Siting, Design and External Appearance, (b) Amenity, (c) Landscape Character and (d) Access, Roads Layout, Parking Provision.

In terms of (a), the proposed conditions would not involve the use of any new plant or buildings. The quarry is well screened from the surrounding area by woodland. The proposed conditions would safeguard the trees, which have been planted and facilitate the planting of more woodland through the proposed restoration scheme.

In terms of (b), the proposed conditions provide various safeguards to the amenity of the area in terms of improved environmental standards in relation to noise, dust, water management, buffer zones and restoration/after care. The proposed conditions would formalise the established practice of the site operator.

In terms of (c), the future workings would not adversely affect the landscape character of the area. The proposed conditions would safeguard the woodland buffer zones around the site and provide for an appropriate restoration scheme, largely woodland based, which would be developed on a progressive basis.

In terms of (d), the existing road access, which connects the site with the B778, would be retained. The proposed conditions would direct all traffic movements to the existing junction and ensure that the surface of the road is maintained to an acceptable standard. Wheel washing facilities within the site are currently provided at the site.

There are no other material considerations. The proposed conditions are in compliance with LDP policy and Scottish Government guidance, and would provide adequate safeguards to the local environment and the amenity of the area both during and beyond the lifespan of Hullerhill Quarry. It is recommended that the proposed conditions be approved.

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

See Appendix 1.



**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
22 December 2014

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

## **APPENDIX 1**

### **RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00656/DCMS**

Grant subject to the following conditions:-

1. That the development hereby approved within the area identified on drawing reference Figure 2.1 of the Planning and Environmental Review shall enure until 21 February 2042. At the end of the period of permission, all quarrying operations, including the processing of sand and the transfer of aggregates from the site, shall cease, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the site operators shall work the quarry only in accordance with the provisions of the Planning and Environmental Review submitted in support of the ROMP review and the plans hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.
3. That all soil storage mounds shall not exceed 6 metres in height, shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture all to the satisfaction of North Ayrshire Council as Planning Authority.
4. That no turf, topsoil or subsoil shall be at any time removed from the site to the satisfaction of North Ayrshire Council as Planning Authority.
5. That any unauthorised waste materials on the site shall be removed to a licensed waste or recycling facility to the satisfaction of North Ayrshire Council as Planning Authority.
6. That overburden and waste materials from the site shall be evenly graded, shaped, drained and properly screened to the satisfaction of North Ayrshire Council as Planning Authority.
7. That the existing trees along the south-western boundary shall be retained and shall not be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.
8. That no extraction, processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That all vehicular access from and egress to the B778 shall be made using the existing access road unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. The first 25 metres of the access road shall be hard surfaced and sealed with a bituminous material at all times. Any potholes which emerge shall be repaired without delay to the satisfaction of North Ayrshire Council as Planning Authority.

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

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

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

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

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

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

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

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

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

19. That final site restoration shall be implemented and the works completed



within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

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

21. That the aftercare scheme as detailed in Section 8 of the Planning and Environmental Review shall be implemented following land reinstatement to the satisfaction of North Ayrshire Council as Planning Authority.

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

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

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

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

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

1. In order to comply with the statutory requirements relating to mineral working.

2. To ensure that the development is carried out in accordance with the approved plans.
3. In the interests of visual amenity and the protection of the top soil and sub soil resource.
4. To ensure that soil required for restoration remains on site.
5. In the interest of the amenity of the area.
6. In the interests of visual amenity.
7. In the interests of the amenity of the area and to ensure adequate screening of the works.
8. To safeguard the amenity of the surrounding area.
9. In the interests of road safety.
10. In the interests of road safety and to ensure adequate screening of the works.
11. In the interests of road safety.
12. To prevent pollution of the water environment.
13. To minimise noise nuisance.
14. To limit the impact of noise on neighbouring properties.
15. To limit the impact of noise on neighbouring properties.
16. In the interests of the amenity of the area in relation to dust from the development.
17. In the interests of the amenity of the area in relation to dust from the development.
18. To ensure that the site is satisfactorily worked and restored in a progressive manner.
19. To ensure that the site is satisfactorily restored at the earliest opportunity.
20. In the interests of protecting the character and appearance of the locality and in relation to visual impact from the development.
21. In the interests of visual amenity and effective landscape management and habitat creation; to ensure adequate measures are put in place to protect the landscaping and planting in the long term.
22. To ensure satisfactory restoration of the site.

23. To ensure satisfactory restoration of the site.
24. In order retain effective control over the development so as to limit environmental impact.
25. In order to monitor the impact of the site on its local environment and to retain effective control over the development.

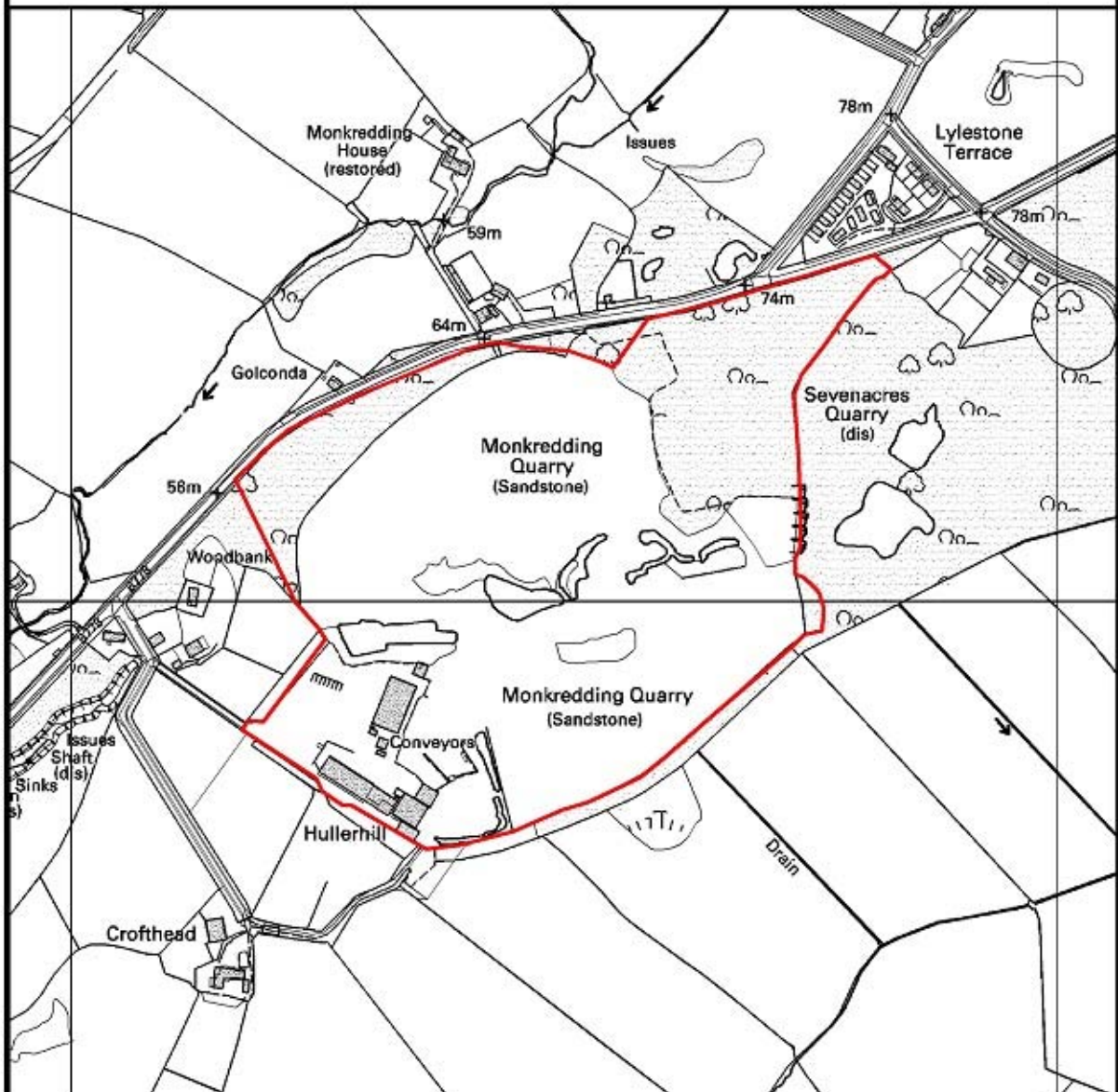
Reason(s) for approval:

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



# Committee Plans

14/00656/DCMS



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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**NORTH AYRSHIRE COUNCIL**

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**Agenda Item 4**

Planning Committee

**14 January 2015**

Planning Area

**Ardrossan Saltcoats and  
Stevenston**

Reference

**14/00593/PPPM**

Application

**9th October 2014**

Registered

Decision Due

**9th February 2015**

Ward

**Saltcoats & Stevenston**

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<b>Recommendation</b>	<b>Agree (a) subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and (b) to grant subject to the conditions contained in Appendix 1.</b>
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<b>Location</b>	Site to West of First Avenue Stevenston Industrial Estate Stevenston
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<b>Applicant</b>	Clowes Developments (Scotland) Ltd Estate Office APL Centre Stevenston Industrial Estate Stevenston
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<b>Proposal</b>	Planning Permission in Principle for residential development
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## 1. Description

This application relates to a site of some 7.1 hectares in area, located at the southern end of Stevenston (see attached location plan). The site is almost rectangular in shape and predominantly maintained grassland, much of it level ground but also containing localised areas of shrub covered mounding and groups of trees. The application site is adjoined by residential properties on Lundholm Road to the south west; by open space to the south east, which is also within the ownership of the applicant; by the APL Industrial Estate to the east; and by the access road and roundabout serving the APL centre and the Ardeer industrial area to the north west.

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

In the Adopted Local Development Plan (LDP) the application site is within a housing allocation which is subject to Policy RES2(19). This policy identifies the site as one of a number of additional housing sites within the Plan, with an indicative capacity of 70 residential units. The policy also requires that these sites mitigate against unacceptable adverse impacts on infrastructure, which may arise as a result of the development, as indicated in the action programme. The action programme lists the indicative requirements as :-

- securing a link between residential development and new employment provision;
- the site being accessed via Lundholm Road, with access from First Avenue not being acceptable;
- securing landscaping on the eastern boundary to provide separation with the industrial area; and
- securing a contribution towards affordable housing.

The application site also forms part of a wider allocation in the LDP covered by Policy IND5 (mixed use employment areas). This policy states that proposals for development within sites allocated as mixed use employment areas must demonstrate an element of retained employment use, the nature of which will be negotiated on a site-by-site basis, with reference to a business plan, and progressed through development briefs to be produced in consultation with the land owner/lead developer.



Policy RES4 (Affordable Housing) is also relevant and requires all proposals for residential development to make a contribution to affordable housing provision. For the three towns sub-market housing area, a contribution of 10% is required and should be provided in line with the Council's supplementary guidance.

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

The application site was the subject of a previous application for Planning Permission in Principle (09/00433/PPPM) which was withdrawn by the applicant in November 2009 prior to determination.

## **2. Consultations and Representations**

The statutory neighbour notification procedure was carried out and the application was also advertised in the local press on the 5th November 2014 for neighbour notification purposes. A total of 96 letters of objection (92 of them standard pro-forma letters) were received. The grounds of objection can be summarised as follows:

- (1) Lack of consultation with local residents on both the planning application and the Local Development Plan process, which released the site for residential development.

*Response - In respect of the LDP process, a significant consultation/publicity procedure was undertaken by the Council, which exceeded the statutory requirement. The Scottish Government Reporters were satisfied with the publicity for the LDP. One resident objected to the principle of housing development on the site in the context of the LDP.*

*In relation to the publicity associated with the planning application, the applicant undertook the required publicity/consultation exercise in terms of a "major" development, which included a public exhibition, which was advertised in the local press and by notification to the neighbouring properties. The Council undertook the statutory neighbour notification procedure and advertised the submission of the application in the local press..*

- (2) Lack of information provided in application.

*Response - The application is for planning permission in principle only and at this stage the applicant is not required to submit any details in relation to the proposed development layout or any other related matters of detail. These details will be required in any subsequent planning application(s) or for the approval of matters specified by conditions in this permission.*

- (3) Object to the proposed vehicle access to the site from Lundholm Road on the grounds of road safety due to an increase in the volume of fast moving traffic on Lundholm Road, and additional congestion on Caledonian Road, which is already heavily congested with parked vehicles on either side of the road. Access to the site should be from the northern end of the site close to the large roundabout on the main road.

*Response - The above noted action programme of the LDP indicates that the site should be accessed from Lundholm Road with no access taken from First Avenue. Given the objections relating to the issue of access and road safety on Lundholm Road, the Council's Transportation Service has advised that a revised/updated Transportation Assessment is required, which will contain information on vehicle speeds and traffic counts for both Lundholm Road and First Avenue, and furthermore that a minimum of two points of vehicular access from the existing road network should be provided. These details would be fully assessed in any subsequent planning application(s) or approval of matters specified by conditions in this permission.*

- (4) The proposed development would have an adverse impact on local services e.g. schools and medical facilities etc.

*Response - Both Education Services and the NHS were consulted during the preparation of the LDP and did not raise any objection on this matter. Proposals within the LDP are intended to cover a period of 10 years from the date of adoption i.e. up to 2024.*

- (5) Health and safety concerns regarding the disturbance of contaminated materials within the site.

*Response - A site investigation report was submitted with the application, which identified the presence of contaminated material within the site. Environmental Health and SEPA have recommended that further information be provided by the applicant in relation to the submission of specific measures to treat/remove contamination and to ensure full remediation measures are properly undertaken to render the site fit for purpose. An appropriate condition would address this matter.*

- (6) Object to the loss of a public right of way which passes through the site.

*Response - The Council's Access Officer has confirmed that there is not a public right of way within the site as indicated in the catalogue of rights of way. It should be noted however that this catalogue does not provide an exhaustive list of rights of way and as such routes may exist which meet the criteria necessary for designation. Based on the information outlined within an indicative masterplan in the PAC report, submitted with the application, it should be possible to maintain/provide the route between the two ends of Lundholm Road. This route could be delivered using a combination of a footway along Lundholm Road and a path through the site. A condition to the permission would require any subsequent detailed application to incorporate the principles contained within Designing Streets/Designing Places and which would ensure an appropriate pedestrian path network both through and within the application site.*

- (7) The site contains protected wildlife.

*Response - The site is predominantly a maintained area of open space area forming part of a much wider undeveloped area within the Ardeer peninsula. It is not anticipated that any significant displacement of wildlife would take place as a result of the proposed development..*

- (8) Concern from residents of the owners of properties on Lundholm Road, which back on to the application site, that their privacy which they presently enjoy would be greatly reduced if trees along the boundary and within the application site are removed as a result of the proposed development.

*Response - A condition would require the applicant to submit detailed proposals in relation to the retention of trees along this boundary.*

#### Consultations

**NAC Transportation** - No objections subject to conditions relative to the submission of a revised/updated Transportation Assessment containing information on vehicle speeds and traffic counts for both Lundholm Road and First Avenue and the development being designed in accordance with the principles of the Scottish Government's "Designing Streets and Designing Places" policy documents and which suggests a minimum of 2 points of vehicular access from the existing road network and multiple points of pedestrian accesses.

*Response - Appropriate conditions would address these matters.*

**NAC Environmental Health** - No objections subject to conditions requiring the applicant to submit a scheme to deal with contamination of the site, which would include a review and update of the site investigation report submitted with the application and proposed measures to treat/remove contamination to ensure the site is fit for purpose; measures to deal with contamination during construction work; and confirmation from a suitably qualified environmental consultant that the site has been completely decontaminated as per the approved decontamination scheme.

*Response - Appropriate conditions would address these matters.*

**HSE Explosives Inspectorate** - As the proposed development does not fall within the consultation distance for any explosives facility the explosives inspectorate has no comment to make.

*Response - Noted.*

**HSE Hazardous Installations Directorate** - HSE does not advise on safety grounds, against the granting of planning permission in this case.

*Response - Noted.*

**SEPA** - No objections subject to conditions requiring soils and ground water to be tested for the presence of explosives residue given the statement within the application that the site includes areas of historical landfill from the wider ICI site and it is unsure whether this may have included material from the former explosives manufacturing site. Also recommend consulting with the Licence Holders of two nearby SEPA regulated sites.

*Response - Appropriate conditions would address the issues of contamination and ground water. With regards to the request to carry out consultations with the operators of nearby SEPA regulated sites, it is not considered necessary given the publicity measures undertaken to date, both in relation to the LDP process, PAC and the notification/publicity associated with this application.*

**Scottish Water** - No objections subject to the applicant obtaining the required approvals in relation to the water and drainage connections and also request a condition to require SUDS to be installed in the surface water drainage system.

*Response - An informative is attached to the permission to advise the applicant to make direct contact with Scottish Water in relation to water and drainage connections. An appropriate condition would address the SUDS issue.*

**West of Scotland Archaeological Service** - No objection given the previous ground disturbance of the site.

*Response - Noted.*

### **3. Analysis**

The application seeks Planning Permission in Principle for the residential development of a large undeveloped area of ground located between Lundholm Road and First Avenue, Stevenston. The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES2 of the LDP and identified with an indicative capacity of 70 residential units. Policy RES2 states that development of these sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development with indicative requirements for each site being set out in the related Action Programme.

The LDP Action Programme lists the following as indicative requirements :-

- (a) securing a link between the proposed residential development and any new employment provision;
- (b) access to the site being via Lundholm Road and access from First Avenue not being acceptable;
- (c) the provision of landscaping on the eastern boundary of the site to separate the site from the adjacent industrial area; and
- (d) securing a contribution towards affordable housing.

In relation to the above Action Programme points, (a) is an enabling provision to facilitate new employment provision or improvements to existing employment space, the nature of which would be detailed within an agreed business plan, and which could be addressed through the a Section 75 legal agreement . In relation to (b), NAC Transportation has requested that a revised/updated Transportation Assessment be submitted by the applicant to assess information on vehicle speeds and traffic counts for both Lundholm Road and First Avenue and that a minimum of two access points for vehicular access to the site should be provided. These matters can be addressed by an appropriate condition. The landscaping provision required by (c) could also be addressed by an appropriate condition.

Finally, the level of detailed information required to assess the appropriate level of contribution towards affordable as required by (d) would require to be agreed in the form of a Section 75 legal agreement . The affordable housing requirement as detailed in the Action Plan is also required by Policy RES4 (Affordable Housing). Developments within the Three Towns sub-market housing area must make a contribution of 10% towards affordable housing provision as indicated within the Council's supplementary guidance.

It is considered that this application for planning permission in principle for residential development, subject to the above noted legal agreement would comply with both Policy RES2 (Additional Housing Sites) and Policy RES4 (Affordable Housing).

Policy IND5 (Mixed Use Employment Areas) identifies sites where a mix of uses, in this case residential and employment, may be supported where this facilitates new employment provision or improvements to existing employment space. The application site which is allocated for residential use in the LDP, abuts the APL Centre, which is predominantly within the ownership of the applicant and is allocated for industrial/employment use in terms of Policy IND3 (Industrial Estates). However as the policy also requires the employment use retention to be demonstrated by reference to a Business Plan, and possibly through a legal agreement, in the absence of a Business Plan at this stage, this matter should be addressed through a Section 75 legal agreement to comply in principle with Policy IND5.

In relation to the General Policy of the LDP criterion (a) requires the proposed development to be of acceptable siting, design and external appearance. These matters would be addressed at the subsequent detailed planning stage. Criterion (a) also requires the development to incorporate the principles of the Scottish Government's Designing Streets and Designing Places policy documents which would also be addressed at the detailed planning stage.

In relation to criterion (b) Amenity, the proposed development would require to demonstrate that it could be achieved without any significant adverse impact on the amenity of nearby properties. While some objections have been received in relation to privacy issues, contamination and disturbance from vehicular traffic, conditions would require further detailed information to be submitted in relation to these matters, and the phasing of these issues, at the detailed planning stage. These matters can be addressed by appropriate conditions.

Criterion (d) relates to access, road layout and parking provision. NAC Transportation Section offers no objection to the proposed development subject to a condition to require a revised/updated Transportation Assessment in respect of any subsequent applications. Further conditions would also require that the development be designed in accordance with the principles of the Scottish Government's Designing Streets and Designing Places policy documents and provide a minimum of two points of vehicular access from the existing road network and multiple points of pedestrian access.

The final assessment criterion of the General Policy relates to safeguarding zones, criterion (e), which seeks to ensure that no development takes place, which is incompatible from a safety viewpoint. In this particular case a small part of the site lies within the outer consultation zone for a hazardous substance consent site and outside, but close to, the outer consultation zone for a licensed explosive site. HSE offered no objection or comments on the proposed development.

In view of the above it is considered that, subject to the completion of the Section 75 legal agreement and the conditions as set out in Appendix 1, the proposed development would comply with Policies RES2, RES4, IND5 and the relevant criteria of the General Policy of the adopted Local Development Plan and accordingly it is recommended that planning permission in principle be granted.

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

See Appendix 1



**KAREN YEOMANS**  
Executive Director (Economy and Communities)

Cunninghame House, Irvine  
19 December 2014

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

GC/JW/SLP





## APPENDIX 1

### RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00593/PPPM

Agree (a) subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and (b) to grant subject to the following conditions:-

1. That the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development shall be obtained before the development is commenced.
2. That prior to the commencement of the development hereby approved, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a scheme to deal with contamination on the site. The scheme shall contain details of proposals to deal with contamination including:
  - a) the nature, extent and type(s) of contamination on the site, including the testing of groundwater for explosives residue and a review of the Mason Evans site investigation report dated February 2008 submitted in support of the application;
  - b) measures to treat/remove contamination to ensure the site is fit for the use proposed, including details of phasing of the proposed measures;
  - c) measures to deal with contamination during construction works; and
  - d) the condition of the site on completion of decontamination measures.

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

Thereafter the presence of any significant unsuspected contamination which becomes evident during the development of the site shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme.

On completion of the proposed works, written verification of what was done by way of remediation shall be submitted to North Ayrshire Council as Planning Authority.

3. That prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

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

6. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals for (i) the provision of landscaping along the eastern boundary of the site to form a suitable buffer between the development site and the adjacent industrial area, and (ii) the retention and protection of trees along the western boundary of the site adjacent to residential properties on the eastern side of Lundholm Road, all to the satisfaction of North Ayrshire Council as Planning Authority..

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

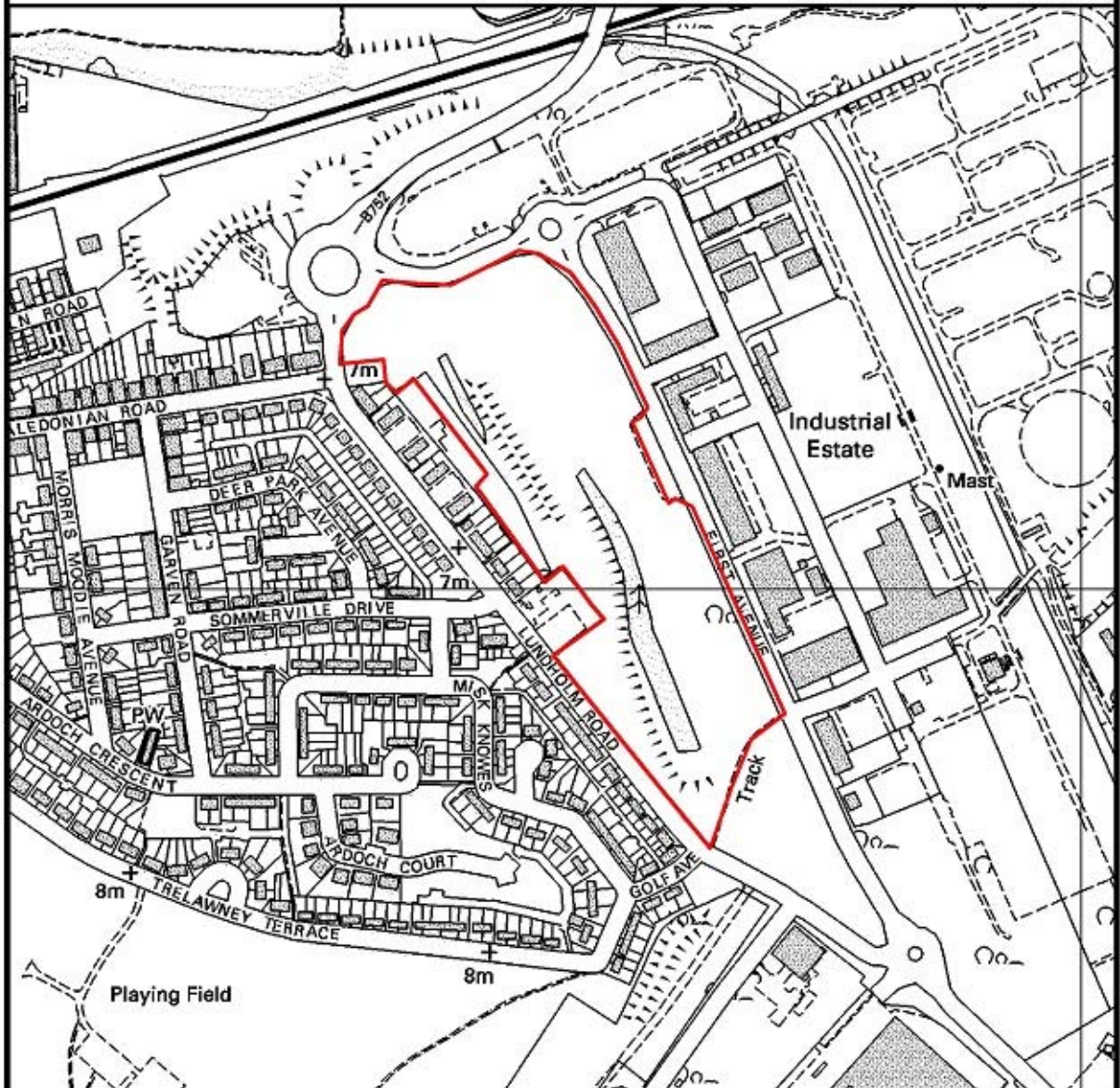
1. In order that these matters can be considered in detail.
2. To meet the requirements of Environmental Health and SEPA.
3. To maintain control over the development in the interest of amenity.
4. To meet the requirements of Scottish Water.
5. To meet the requirements of North Ayrshire Council as Roads Authority.
6. To meet the requirements of North Ayrshire Council as Roads Authority.
7. To secure a landscaping scheme in the interest of amenity and to preserve the privacy of existing residential properties.

Reason(s) for approval:

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

# Committee Plans

14/00593/PPPM



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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