



NORTH AYRSHIRE
COUNCIL

Cunninghame House,
Irvine.

22 May 2014

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 28 MAY 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 (i) the ordinary meeting of the Committee held on 23 April and (ii) the special meeting held on 8 May 2014 will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copies enclosed).

3. Irvine/Kilwinning

Submit report on the following applications:

3.1 14/00072/MDPO: Ayrshire Central Hospital, Kilwinning Road, IRVINE

Deletion of part of Condition 14(b) of Planning Permission in Principle (12/00475/PPPM) requiring the opening up of the Red Burn culvert.

3.2 14/00153/MSCM: Ayrshire Central Hospital, Kilwinning Road, IRVINE

Erection of North Ayrshire Community Hospital with support accommodation including associated access, parking, landscaping and other works.

3.3 14/00235/PP: Riverway Retail Park, Irvine

Modification of condition 4 in outline planning permission CH/01/88/0546/L and the corresponding condition in Reserved Matters Approval 01/89/0259 relating to non-food retail use.

3.4 13/00038/PPPM: West Byrehill Industrial Estate, Byrehill Place, Kilwinning

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).

(copies enclosed)

4. North Coast and Cumbraes

Submit report on the following application:

14/00054/PPM: Site to south east of Hunterston B Power Station, West Kilbride

Development of a sub-station and associated access road on agricultural land to the south of Hunterston B Power Station comprising outdoor electrical equipment and a control building within a secure fenced compound (copy enclosed).

5. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

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

(Chair)
(Vice-Chair)

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
23 April 2014

IRVINE, 23 April 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 and Joe Cullinane.

In Attendance

J. Miller, Senior Manager (Planning, Transportation and Regeneration) and P. Brennan, Specialist Environmental Health Officer (Noise) (Development and Environment); and A. Craig, Team Manager (Litigation) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

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 19 March 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

13/00501/PPPM Site to the east of 7-9 Beith Road, Glengarnock, Beith North Coast and Cumbraes

Hallam Land Management, Suite 2-L, Willow House, Kestrel View, Strathclyde Business Park has applied for planning permission in principle for the erection of a residential development on a site to the east of 7-9 Beith Road, Glengarnock, Beith. Three letters of objection and one letter of support have been received, as detailed in the report.

Councillor Bell intimated concerns regarding the access road to the proposed site and potential visibility and safety issues. The Senior Manager (Planning, Transportation and Regeneration) advised that this was an outline application and that the concerns highlighted would be raised with the applicant and the Council's Transportation Officers before submission of the new application for planning permission.

The Committee, having considered the terms of the objections and letter of support, agreed to grant the application, 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.

4. Irvine/Kilwinning

4.1 13/00667/PPM Site to north east of The Grange, Perceton, Irvine

Dawn Homes Ltd, 220 West George Street, Glasgow have applied for planning permission for the erection of 172 dwellings with associated roads and landscaping on a site to north east of The Grange, Perceton, Irvine. Four letters of objection/representation have been received, as detailed in the report.

The Committee, having considered the terms of the objections/representations, agreed to grant the application, 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 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.

4.2 13/00038/PPPM West Byrehill Industrial Estate, Byrehill Place, Kilwinning

Ashtenne Industrial Fund LP, 80 St Vincent Street, Floor 6, Glasgow has applied for planning permission in principle for the demolition of an industrial building and the erection of a residential development with associated accesses, engineering operations, open space and landscaping, and a neighbourhood centre (Classes 1, 2 & 3) at West Byrehill Industrial Estate, Byrehill Place, Kilwinning.

The Committee agreed to continue consideration of this application to the next meeting.

5. North Coast and Cumbraes

14/00164/PP Hunterston Construction Yard, Fairlie

SSE Renewables Developments (UK) Ltd, 1 Waterloo Street, Glasgow has applied for permission for the variation of planning permission N/11/00679/PPM under Section 42 of the Town and Country Planning (Scotland) Act 1997 to revise the 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, at Hunterston Construction Yard, Fairlie. Two objections and one representation have been received, as detailed in the report.

The Senior Manager (Planning, Transportation and Regeneration) advised that the representee had since indicated his satisfaction with the proposed amendments contained within the report and circulated a consultation response from Fairlie Community Council and a copy of the Officer's responses to the points raised therein.

The Committee, having considered the terms of the objections and representation, and having received advice from the Specialist Environment Health Officer in connection with the variation of condition 7, agreed to 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 infra-red 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.

6. Enforcement Notice: West Kilbride: 10 Avondale Road

Submitted report by the Corporate Director (Development and Environment) on an Enforcement Notice under the Town and Country Planning (Scotland) Act 1997 requiring cessation of an unauthorised business use at 10 Avondale Road, West Kilbride.

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. The occupiers of the property confirmed that a landscaping business operated from the property. The business use was described by the occupiers as seasonal, with little, if any, activity in the winter and spring seasons.

Officers have sought to resolve the breach of Planning control through negotiation, with the occupiers encouraged to contact both Economic Development and Estates to seek assistance from the Council with respect to relocating the business use. However, the occupiers have confirmed to Economic Development that they believe relocating would be detrimental to the business.

The report noted that the operation of the business use at the property is having an adverse impact on the amenity and character of the residential area and recommended the serving of Enforcement Note to require its cessation.

The Committee agreed, in the interest of the amenity and character of the residential area, to approve the serving of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to secure (i) the cessation of the landscaping business use at 10 Avondale Road, West Kilbride, and (ii) the removal from the site of all vehicles, machinery, equipment and other items associated solely with the business use.

7. Ardrossan North Shore Design Principles

Submitted report by the Corporate Director (Development and Environment) on design principles to guide the future development of the Ardrossan North Shore site.

It is recognised that the coastal frontage of the Ardrossan North Shore site is particularly sensitive and, therefore, that 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. For these reasons, a set of 'design principles', set out at Appendix 1 to the report, 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 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 would be a non-statutory material consideration to be used in the determination of planning applications within the Ardrossan North Shore site.

The Committee agreed to approve the design principles contained within Appendix 1 to the report.

The meeting ended at 2.50 p.m.

Planning Committee
8 May 2014

IRVINE, 8 May 2014 - At a Special Meeting of the Planning Committee of North Ayrshire Council at 11.45 a.m.

Present

John Ferguson, Robert Barr, John Bell, John Bruce, Joe Cullinane, Ronnie McNicol, Tom Marshall 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

Matthew Brown.

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. Call In Request: 14/00225/PP: 5 Burns Street, Irvine

Submitted report by the Chief Executive on a call in request, in accordance with the approved call in procedure, in relation to an application for planning permission which would otherwise be determined by Officers under delegated powers.

The request, submitted in accordance with the approved call in procedure, has been made by Councillors Clarkson, Easdale and Oldfather, that the application for planning permission should be determined by the Planning Committee and not by Officers under delegated powers. The stated reason for the call in request was as follows:-

"on the grounds that it is within a Conservation Area, and on a Class A road."

Councillor Clarkson addressed the Committee in support of the call in request. Councillor Clarkson expressed the view that consistency should be exercised in terms of the determination of planning applications within conservation areas, that road safety concerns should be properly taken into account, and that, in the interests of openness and transparency, the application should be determined by the Planning Committee.

Councillor Bruce, seconded by Councillor McNicol, moved that agree not to call in the application and that instead it be determined by officers under delegated powers.

As an amendment, Councillor Cullinane, seconded by Councillor Bell, moved, in terms of Section 43A(6) of the Town and Country Planning (Scotland) Act 1997 and in accordance with the approved call in procedure, that the Committee agree, in the interests of transparency and openness, that the application be called in and determined by the Planning Committee and not by officers under delegated powers.

On a division, there voted for the amendment 2 and for the motion 6, and the motion was declared carried.

Accordingly, the Committee agreed not to call in the application and that instead it be determined by officers under delegated powers.

The meeting ended at 12.00 noon.

NORTH AYRSHIRE COUNCIL

Agenda Item 3.1

Planning Committee

Planning Area

28 May 2014
Irvine/KilwinningReference
Application
Registered
Decision Due
Ward**14/00072/MDPO**
10th February 2014**10th April 2014**
Irvine West

Recommendation Approve as per Appendix 1

LocationAyrshire Central Hospital
Kilwinning Road
IRVINE**Applicant**NHS Ayrshire & Arran
Ayrshire Central Hospital
Kilwinning Road
IRVINE**Proposal**Deletion of part of Condition 14(b) of Planning
Permission in Principle (12/00475/PPPM)
requiring the opening up of the Red Burn culvert.

1. Description

On 20th February 2013, planning permission was granted, in principle, for the erection of an acute mental health and community hospital and associated works at Ayrshire Central Hospital, Kilwinning Road, Irvine (12/00475/PPPM). This application seeks permission to delete part of condition 14(b) which requires a comprehensive assessment of the wider flood and surface water drainage issues within the applicants' ownership, including the opening up of the Red Burn and SUDS provision. This application seeks permission to remove the opening up of the Red Burn from this condition.

An assessment of the flood risk and surface water drainage issues on the wider hospital site was carried out as part of the planning permission in principle (12/00475/PPPM), where it was highlighted by SEPA that there would be a potential risk to the development from the nearby culverted water course (Red Burn). The preliminary Flood Risk Assessment submitted previously recommended further assessment to fully understand the flood risk to the site and that clarification should be provided regarding the continued culverting of the Redburn. An updated Flood Risk Assessment has been prepared and forms part of the assessment for the erection of the community hospital (Ref: 14/00153/MSCM). See Agenda item ???.

In support of the application the applicants have submitted an updated Flood Risk Assessment. The applicants state that the opening of the burn would impose an unnecessary risk to vulnerable patients, who in some cases may have freedom of the site. An open culvert could introduce the risk of self harm or introduce the risk of falling into such open water on site.

The proposed hospital and wider hospital site is within a residential area as identified within the Adopted North Ayrshire Local Plan (Excluding Isle of Arran) and is unaffected by any site specific policies or proposals therein. The proposal requires to be assessed against Policy INF 6 (Flooding) which requires that flood risk issues are fully investigated and suitably mitigated.

Various consultations with NAC, the applicants and SEPA have taken place with regards to SEPA's initial objection (see below). NAC has provided the applicants with a copy of the Red Burn flood review undertaken on behalf of NAC by Aecom (May 2014) which together with the updated FRA has formed the supporting submission to SEPA.

2. Consultations and Representations

There is no requirement for neighbour notification. No objections or representations have been received.

Consultations

SEPA - offer no objections. SEPA initially objected to the proposal due to lack of information with respect to the FRA submitted in support of the application. The Red Burn flood review undertaken on behalf of NAC by Aecom (May 2014) and the survey of the level data upstream and downstream from the proposed development and along the culvert route indicates that the proposed development is outwith the potential flood extent. Furthermore, no development is proposed over the culvert.

Response - Noted.

NAC Flooding Engineer - No objections. The proposed development is outwith the potential flood extent.

Response - Noted.

3. Analysis

With regards to Policy INF6, SEPA and NAC's Flooding Engineer have been consulted and have no objections on flooding grounds. As detailed above, SEPA previously objected to the proposal due to a lack of information in the FRA submitted in support of the application and the potential flood risk from the Red Burn. However, due to an assessment of the level data both upstream and downstream from the proposed development, it is indicated that the development is outwith the potential flood extent. SEPA consider that the Red Burn should not have a significant effect on flood risk within the development area.

It is therefore recommended that Condition 14(b) of planning consent Ref: 12/00475/PPPM be amended to delete the requirement of the 'opening of the Red Burn.'

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
14 May 2014

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

FK/FG

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00072/MDPO

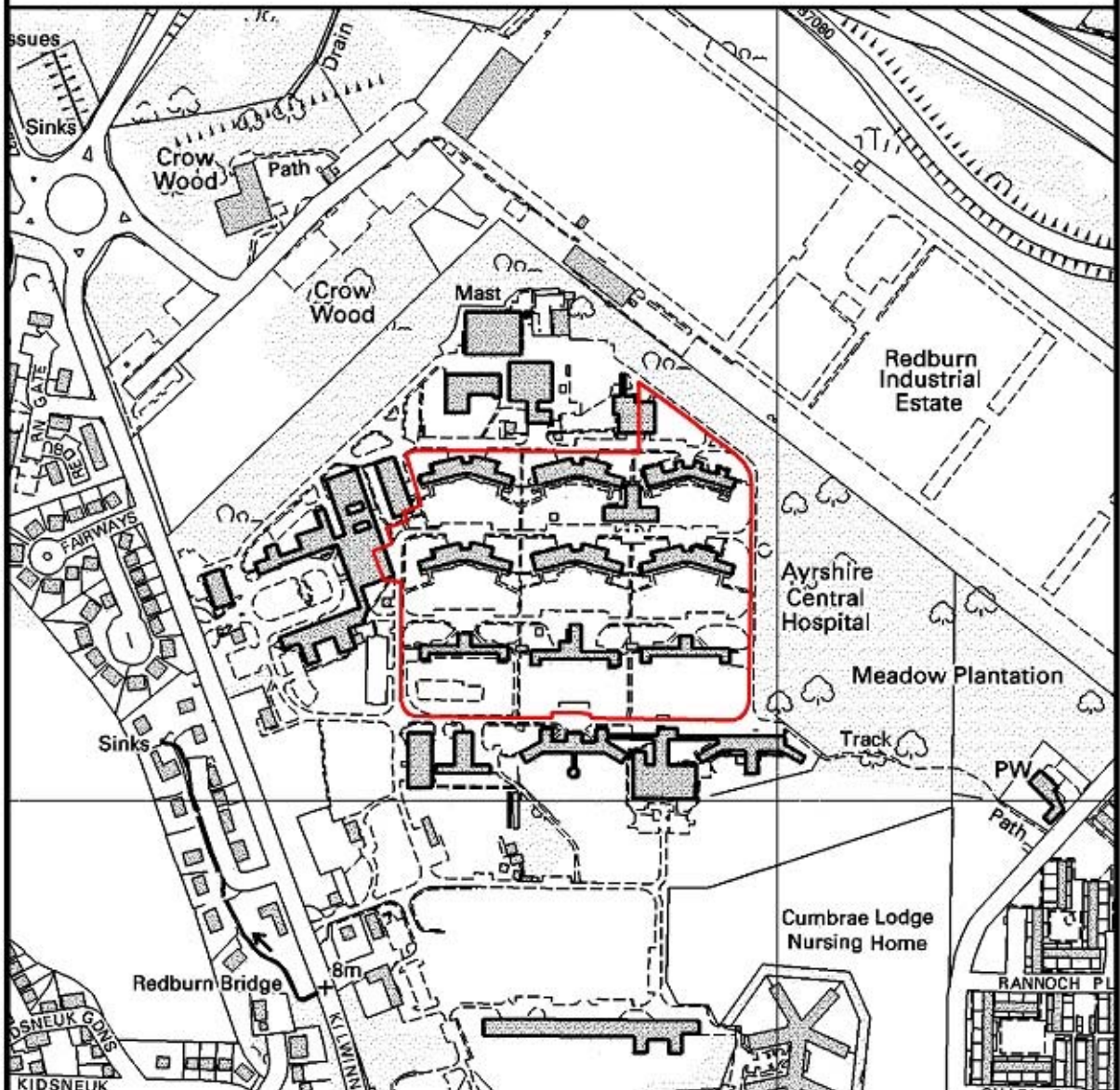
Grant (No conditions).

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

14/00072/MDPO



NORTH AYRSHIRE
COUNCIL

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Not To Scale



NORTH AYRSHIRE COUNCIL

Agenda Item 3.2

Planning Committee

Planning Area

**28 May 2014
Irvine/Kilwinning**Reference
Application
Registered
Decision Due
Ward**14/00153/MSCM
20th March 2014

20th June 2014
Irvine West**

Recommendation	Grant subject to conditions as per Appendix 1
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Location	Ayrshire Central Hospital Kilwinning Road IRVINE
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Applicant	NHS Ayrshire & Arran Ayrshire Central Hospital Kilwinning Road IRVINE
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Proposal	Erection of North Ayrshire Community Hospital with support accommodation including associated access, parking, landscaping and other works.
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1. Description

Planning permission in principle was granted in February 2013 for the erection of an Acute Mental Health and Community Hospital and associated works at Ayrshire Central Hospital, Kilwinning Road, Irvine (Ref: 12/00475/PPPM). The current application seeks approval of matters specified in conditions attached to planning permission in principle, of which there were 19 in total.

The proposed hospital would provide purpose built accommodation, a centralised adult mental health service on site, integrated in-patient addiction services, provide ready access to outpatient and treatment services as part of the broader community hospital campus including other associated facilities and services. There would be a total of 206 in-patient beds which includes Adult Acute Mental Health and Elderly Mental Health, and 13 Consulting/Treatment Rooms. The footprint of the hospital building would be approx. 16,048sqm., with the application site extending to approximately 6.5 hectares within the overall Ayrshire Central Hospital (ACH) site of approximately 39 hectares. The proposed hospital would be largely single storey consisting of wards wrapped around courtyard gardens. The main entrances, public to the south and emergency to the north, would be located within the 2 storey part of the building to aid way-finding. The floorplan would be broken down into a series of linked wards and materials would match existing buildings within the wider hospital site and include a palette of white render and brick including coloured metal panels. Coloured panels would be utilised to identify wards and reduce the overall visual mass of the facility. There would be landscaped courtyards to support patient needs and designed to meet the levels of supervision required by staff. Car parking is proposed to the south west of the building close to the main entrance, split into 2 smaller areas.

The proposed facility would be accessed from the existing southern access on Kilwinning Road, which would be upgraded. The existing north entrance would be utilised by ambulances and service vehicles only.

The proposed development would require the demolition of nine pavilions, six of which would be demolished prior to the commencement of the development and the remaining three pavilions would be demolished on completion of the hospital. The southern part of the wider health care site is considered surplus to the requirements of NHS Ayrshire and Arran and would be marketed for primarily residential development. The site is generally flat with no significant changes in ground level. The culverted Red Burn is located to the south of the site. Beyond the grounds of Ayrshire Central Hospital, and the surrounding TPO, there is a business/industrial area to the north and east, and residential areas to the west, south and south-east.

The development is deemed major in terms of the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and falls to be determined by the Planning Committee. Pre-application consultation was carried out in relation to the application for planning permission in principle but it is not required to be undertaken with regard to an application for approval of matters specified in conditions. There has been a number of liaison meetings between Planning officers, the applicants and their agents, both prior to and after the application submission. NAC and the applicants also entered into a Processing Agreement which set out key milestones in the planning application process and information requirements.

The applicants seek approval of matters specified in conditions 1 to 19 inclusive and have addressed each condition as follows:-

Condition 1 That prior to the commencement of the development on site a further application 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, cycle, parking and open spaces;
- (b) The siting, design and external appearance of all buildings and any other structures including plans and elevations their dimensions and type and colour of external materials;
- (c) Detailed cross sections of existing and proposed ground levels, details under building and finished floor levels in relation to a fixed datum, preferably ordinance datum and detail on how fold issues are addressed;
- (d) The means of access to the site;
- (e) The design and location of all boundary treatments including walls and fences;
- (f) The landscaping proposals for the site including details of existing trees 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;
- (g) The means of drainage and sewage disposal including SUDS;
- (h) Details of the phasing development, covering all relevant aspects of the development details in (a) above;
- (i) A Design and Access Statement: design issues addressed in the formulation of the proposals shall be set out in line with the relevant supplementary Design Guidance produced by North Ayrshire Council.

Response	Detailed plans of the full planning layout, siting, design, external appearance and landscaping of the development have been submitted. These indicate that the hospital would comprise of an interconnecting flat roof, largely single storey units finished with metal cladding panels with facing brick work and a rendered finished. The hospital would utilise the existing north and south entrances with the south entrance being the main public access. The landscape proposals have been submitted which show that in many of the court yards, surface finishes would be a mixture of paving and artificial turf to reduce the amount of maintenance with perennial planting including woody shrub planting and grass in some of the court yards. Outwith the court yard areas there would be bands of ornamental planting and feature trees for seasonal interest. Details of trees to be retained, removed and proposed have also been submitted. Details of phasing, cross sections of ground levels and a Design and Access Statement has also been submitted.
Condition 2	This was a standard condition in relation to the time period in which matters specified in conditions applications could be made following the approval of planning permission in principle. Planning permission in principle for the hospital was approved in February 2013, the application for reserved matters has been submitted prior to the expiry of the 3 year period as required by S59 of the Town and Country Planning (Scotland) Act 1997, as amended.
Condition 3	States that the further applications required under the terms of Condition 1 shall include the retention of the existing access points off Kilwinning Road to serve the development unless it can be demonstrated that there are sound technical and operational requirements for a replacement access and that satisfactorily measures can be taken to minimise the loss of trees to the satisfaction of North Ayrshire Council as Planning Authority.
Response	The existing access points off Kilwinning Road would be maintained with the main public access route being the southern access point, and the north access point will still be utilised but mainly for ambulance drop-offs.
Condition 4	Requires that a detailed design of any required improvements to the local road network and design issues associated to accommodate public transportation needs, multi-user pedestrian crossing facilities within the site and any required improvement to cross points on the road network external to the site is submitted.

- Response A swept path analysis has been undertaken which identifies an internal bus route within the site. A puffin crossing would also be located on Kilwinning Road to link the proposed path serving the new hospital. Details of the multi-user pedestrian crossing facilities within the site have also been submitted.
- Condition 5 Requires that a detailed Transport Assessment and Parking Strategy including a detailed internal layout of the development including a Swept Path Assessment for servicing should be submitted.
- Response As noted above, a swept path analysis has been submitted for an internal bus route including a detailed internal road and footpath layout. A Transport Assessment (TA) detailing the traffic impact of the proposed development was prepared for the application for planning permission in principle on the basis that the access to the hospital would be served by only one access point at the north entrance. The proposal would utilise 2 accesses with the southern access being the main public access. The proposal has not changed since the original TA was produced and the same traffic flows would be assumed to be fully validated and appropriate for the proposal. A technical note with regard to the proposed changes to the access points has been submitted in conjunction with the original TA and is considered to meet the requirements of this condition.
- Condition 6 That further applications required under the terms of Condition 1 shall include details of the shared path/cycle way connections throughout the site and linkages to the national cycle route.
- Response These details have been submitted in accordance with the requirements of the condition and include a 2 metre wide link path to the Castlepark Area from Castlepark Road and a 3 metre wide link to the National Cycle Network (NCN) at Kilwinning Road. .
- Condition 7 Requires that a Public Transport Strategy detailing the frequency and routing of new/amended bus services for the consideration and detailed approval. The strategy may include public transportation infrastructure (bus stops and shelters, provision for taxi access and drop off/pick up, travel information to ensure users are aware of pedestrian, cycle and public transport provision which may also include for the provision of real time information unless otherwise agreed by North Ayrshire Council as Planning Authority.

Response	The applicants have consulted SPT, who are (1) satisfied that a swept path analysis has been undertaken to identify the internal bus route; (2) consider that the location of the consolidated bus stop and associated controlled pedestrian crossing would provide convenient access to the site; and (3) that the proposed cycle links identified within the site would link directly into the existing cycle networks external to the site. The applicants also confirm that there would be real time information at the proposed external bus stop on Kilwinning Road. Although SPT advise that there is still no commitment from public transport providers to provide transport into the site, it is considered that the above provisions afford that opportunity, which would satisfy the requirements of this condition.
Condition 8	Required that before the commencement of the use of the facility, the recommendations of the Public Transport Strategy, outlined in condition 7 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
Response	See response to condition 8.
Condition 9	A green travel plan is required and any measures detailed therein to reduce car trips shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority the needs of walkers, cyclists and public transport uses should also be considered with reference to the criterion in Policy PI1 of approved Local Development Plan.
Response	Measures to satisfy this condition have been incorporated into a green travel plan submitted in support of the application.
Condition 10	That a Signage Strategy to improve directional and information provision to the satisfaction of North Ayrshire Council as Planning Authority.
Response	Details of the location of signage have been submitted, however the signage types are indicative. It is therefore considered necessary to impose an additional condition to ensure full details of signage are submitted for consideration.

- Condition 11 Development shall not commence until an assessment of the potential for the proposed use to cause noise and vibration nuisance including if applicable noise produced by the ventilation equipment to occupants in the surrounding area has been submitted to the Council as Planning Authority. Where potential noise or vibration disturbance is identified, proposals for the attenuation of that noise or vibration shall be submitted to and approved in writing by North Ayrshire Council's Planning Authority. The approved scheme shall cover both development and operational phases and be implemented prior to either the commencement of development or the development being brought into use whichever is relevant and shall thereafter be retained in accordance with the approved scheme to the satisfaction of North Ayrshire Council as Planning Authority. Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
- Response The applicants have confirmed that a short term noise survey has been carried out, however, further noise and vibration surveys will be carried out to obtain representative day time and night time noise levels at locations representative of the nearest sensitive receptors. This condition is still outstanding and requires to be re-imposed.
- Condition 12A Prior to commencement of any works on site the recommendations contained within the 2010 Geo-Environmental Assessment and Ground Investigation Report submitted in support of the application shall be implemented. Any amendment to the approved remediation plan shall not be implemented unless approved in writing by North Ayrshire Council as Planning Authority.
- Condition 12B On completion of the remediation works the developer shall submit a Completion Report to North Ayrshire Council as Planning Authority confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced risks to acceptable levels.
- Condition 12C Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminants and a site specific Risk Assessment of any associated pollutant linkages shall then be required to be submitted and approved in writing by North Ayrshire Council as Planning Authority.

- Response These requirements are still outstanding and require to be re-imposed.
- Condition 13 That before works commences on site a Local Air Quality Monitoring and Modelling Assessment shall be carried out and the information submitted to and approved by North Ayrshire Council as Planning Authority. Unless otherwise agreed this information shall be used to assess potential impacts of the development on existing air quality during both the construction and operational phases. The assessment shall have regard to the contributory impact on air quality that the development may pose.
- Response This condition is still outstanding and requires to be re-imposed.
- Condition 14A An updated Flood Risk Assessment for the approval in writing of North Ayrshire Council as Planning and Flood Authority, such an assessment shall include the finished floor levels against ordnance datum protection against the 1 in 1000 year flood event and that flood resilient and resistant materials are incorporated.
- Condition 14B Comprehensive assessment of the wider flood and surface water drainage issues within the applicants' ownership including the opening up of the Redburn and SUDS provision see a comprehensive Drainage Assessment.
- Response Measures to satisfy these conditions have been incorporated into a Drainage Statement and updated Flood Risk Assessment submitted in support of the application. Part B of this condition requires a comprehensive assessment of the opening up of the Redburn. A separate application has been submitted to delete this requirement from the consent (Ref: 14/00072/MDPO) - see previous Agenda item.
- Condition 15 Requires the submission of an Arboriculture Impact Assessment and Arboriculture Method Statement. Such documents should be used to guide the detailed design process and the recommendation within the submitted Tree Survey Schedule shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority and demonstration of the undertaking and/or programming of the Tree Survey Schedule recommendations shall be submitted for the approval of North Ayrshire Council as Planning Authority.

- Response There is a limited number of trees on site which may be affected by the proposed development. A supporting document identifying trees to be retained and removed on site has been submitted and is considered to be address this condition.
- Condition 16 The recommendation within the Extended Phase 1 Ecology Assessment 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 implementation.
- Response This condition is still outstanding and requires to be re-imposed .
- Condition 17 Detailed landscaping proposals shall be submitted. Such details should contribute to the establishment of a wider green corridor network for outdoor recreation and landscape and nature conservation and provide for amenity grounds for users of the development.
- Response A comprehensive landscaping document has been submitted in support of the application and addresses the requirements of this condition.
- Condition 18 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/detailed document shall be submitted at the time of submission for Building Warrant.
- Response This condition is still outstanding and requires to be re-imposed .
- Condition 19 Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development.
- Response Details of the location of public art have been submitted which indicate where public art would be incorporated into the development.

Development Plan

As indicated above planning permission in principle has been granted for the proposed community hospital and was considered to accord with the relevant Structure Plan and Local Plan Policies. The North Ayrshire Local Plan (Excluding Isle of Arran) identifies the site as being within a residential area and is unaffected by any site specific policies or proposals therein. The following general policies are relevant to the proposed development.

Policy TRA1 (Strathclyde Passenger Transport) Part B, which requires that all significant development proposals demonstrate that account has been taken of public transport provision and that developer contributions to secure public transport provision as part of the development of significant areas of new development may be required. Policy TRA2 (Walking and Cycling) which requires that all significant development proposals require to demonstrate that account has been taken of the needs of walkers and cyclists.

Policy INF6 (Flooding) which requires that flood risk issues are fully investigated and suitably mitigated.

Policy OS3 (Open Space Provision) which requires that significant developments, which incorporate open space, shall be required to demonstrate that they have given consideration to opportunities to locate amenity of space and wildlife areas in such a way as to contribute to the establishment of a "green corridor" network in and around towns and villages, in the interest of amenity, outdoor recreation, landscape and nature conservation.

Policy ENV16 (Contaminated Land) which requires that proposals for the restoration and/or remediation of contaminated land for an appropriate fit for purpose use shall accord with the local plan, subject to compliance with appropriate and remedial measures.

Policy BE13 (Art in the Community) where the Council encourages the provision of art in the community where it is appropriate to the setting of the development and surrounding area through partnership initiatives and by encouraging initiatives with private sector.

Policy BE14 (Design Guidance) which requires that proposals for development should take account of approved design guidance.

All development proposals require to be assessed against the relevant criterion of the Development Control Statement (DCS).

The approved Local Development Plan is a material consideration. There is limited changes to the policy framework, relevant to this proposal, between the adopted and emerging plans. It is considered that only Policies PI 1 (Walking, Cycling and Public Transport), PI 8 (Drainage, SUDS and Flooding), PI 10 (Community Infrastructure) and PI 13 (Carbon Emissions and New Buildings) provide an expanded or updated position.

There is a considerable planning history at Ayrshire Central Hospital site with planning approvals including listed building consents for works related to the development and upgrading the facilities to the north and west. However it is not considered that these applications are particularly relevant to this proposal. In addition to these formal applications there has been considerable engagement between NHS Ayrshire and Arran and North Ayrshire Council regarding the strategic issues associated to an expansion of health care and the development of the surplus land.

NAC Officers, the applicants and their agents, and SEPA have held various liaison meetings both prior to and after the application submission. NAC and the applicants also entered into a Processing Agreement which sets out key milestones in the planning application process and information requirements.

2. Consultations and Representations

The application was subject to statutory notification procedures which included the publication of an advert in a local news paper on 4 April 2014 which expired on 25 April 2014.

One representation has been received and can be summarised as follows:-

There is going to be a increase in vehicle movements, patient ambulances, relative visitors and additional staff. Kilwinning Road is already busy and with additional vehicular movements, which would add stress to the crossing of this road. There should be provision to incorporate a light control pedestrian crossing within the planned area of improved access to the new facility.

Response - The proposals provides details of a puffin crossing on Kilwinning Road at the southern access to improve pedestrian access.

Consultations

SEPA - SEPA previously objected to the application due to lack of information and the possible flood risk from the Red Burn. Following consideration of the NAC's Red Burn flood review and the FRA submitted in support of the application, SEPA consider that the Red Burn would not have a significant effect on flood risk within the site. It is also acknowledged that SUDs are proposed by managing water at the surface via permeable paving within the parking areas.

Response - Noted.

NAC Flooding Engineer - The updated FRA and DA together with the information from the Red Burn flood review demonstrate that there would be no significant flood risk from the Red Burn.

Response - Noted.

Environmental Health - Conditions 11, 12 and 13 attached to consent Ref: 12/00475/PPPM in relation to noise assessment, ground investigations and air quality monitoring are still applicable.

Response - Noted. These conditions will be attached to the consent and require to be discharged prior to the commencement of works on site.

Transport Scotland - No objections. It is not considered necessary to seek to impose further conditions.

Response - Noted.

NAC Access Officer - No objections. The application proposes a number of pedestrian and cycle paths within the site. These routes are welcomed and should provide for all ability and multi user access, they include a 2 metre wide link path to the Castlepark Area from Castlepark Road and a 3 metre wide link to the National Cycle Network (NCN) at Kilwinning Road. . There is also a 10% provision of cycle parking in line with the Scottish Government's Cycling Action Plan for Scotland (CAPS).

Response - Noted.

Development Planning Services (Roads) - No objections. An internal and external signage strategy for the site should be provided. The plans illustrate improvements to the south entrance, a puffin crossing on Kilwinning Road, bus stop consolidation and infrastructure, cycle path linking to the NCN, a path link to Castlepark housing area, a path link from Kilwinning Road to the new hospital site and internal path details linking all health facilities available on site.

Response - Noted. A condition could be applied with regards to the signage strategy.

Scottish Water - No objections. A separate application should be submitted for connection to Scottish Water's infrastructure.

Response - Noted. An informative could be attached to advise the applicants to contact Scottish Water with this regard.

Architecture and Design Scotland (ADS) - ADS has provided comments and advice on the design of the proposal. Amongst these comments it is advised that the legibility and experience of arrival from the southern access would be determined by subsequent developments of the southern part of the site and that further development phases are designed to provide an arrival sequence that is of similar clarity to the old. A way-finding strategy could also be reconsidered rather than the proposed 50 new signs. Further comments have been provided with the design of the hospital, the nature of the patient and staff environment and recommend further development of the detail of the proposals in relation to landscape and elevational treatment.

Response - Noted. An informative can be included to advise the applicants to fully liaise with the NAC Planning Authority prior to any future submissions of the wider site. A condition has also been attached with respect to the signage strategy which could address further consideration of the way-finding strategy. With regards to further consideration of other recommendations and comments provided by ADS, the applicants are aware of the ADS response and may wish to consider these comments in more detail.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions taken by Planning Authorities shall be in accordance with the Development Plan unless material considerations indicate otherwise. As noted above planning permission in principle has been granted for the proposed community hospital which was found to be in accordance with the relevant Structure Plan and Local Plan Policies.

The current application seeks approval of the matters specified in the planning conditions attached to planning permission in principle (Ref: 12/00475/PPPM). Information in response to conditions 1 to 19 inclusive of planning permission in principle have been submitted by the applicants.

The matters specified in the planning conditions require to be assessed against the relevant Local Plan Policies namely TRA1 (Strathclyde Passenger Transport), TRA2 (Walking and Cycling), INF6 (Flooding), OS3 (Open Space Provision), ENV16 (Contaminated Land), BE13 (Art in the Community), and BE14 (Design Guidance). The proposal also requires to be assessed against the relevant criteria of the Development Control Statement (DCS).

With regards to Policy TRA1, the applicant has consulted with SPT with regards to public transport provision within the site. Whilst SPT advise that there is still no public transport strategy in place, the consolidated bus stop and associated controlled pedestrian crossing point at the southern access would provide convenient access to the site. SPT is also satisfied with the swept path analysis that has been undertaken to identify an internal bus route and the proposed cycle links which would link into the existing cycle network external to the site.

With regards to Policy TRA2, NAC's Access Officer supports the proposal. Full details of the proposed cycle network, cycle parking and the internal road and path network within the site have been submitted. The plans also indicate a 2 metre wide link path to the Castlepark Area from Castlepark Road to the hospital and a 3 metre wide link to the National Cycle Network (NCN) at Kilwinning Road.

With regards to INF6, SEPA and NAC's Flooding Officer have been consulted and have no objections on flooding grounds. SEPA previously objected to the proposal due to a lack of information in the FRA and the potential flood risk from the Red Burn. However, due to the further submission of level data both upstream and downstream from the proposed development, it is indicated that the development is outwith the potential flood extent. SEPA consider that the Red Burn should not have a significant effect on flood risk within the development area.

With regards to OS3, there would be courtyard landscaped areas including landscaping throughout the site, a community garden area and a woodland trail in the eastern corner of the site. It is considered that the proposal has provided adequate landscaped amenity spaces and would accord with Policy OS3.

Policies ENV15 and BE13 can be addressed by the imposition of appropriate planning conditions.

With regards to BE14, it is considered that the proposed hospital has been designed to compliment the existing buildings within the wider hospital site incorporating similar architectural details and external finishes. The Plaza Entrance would be the central access point. The car parks and drop off points would be situated adjacent to the access with the wards located towards the rear for privacy. It is considered that there is also an acceptable level of landscaping and associated amenity space to provide an attractive environment for patients and other hospital users. In these circumstances it is considered that the proposal would accord with the Council's supplementary Design Guidance.

The proposals now require to be assessed against the relevant criteria of the DCS: -

- (a) Siting, design and external appearance: - For the above reasons, it is considered that design, scale, finish and siting of the proposed hospital would be acceptable and would not have a significant adverse impact on the wider hospital site or surrounding area.
- (b) Amenity: - It is considered appropriate to attach conditions with regards to Noise, Vibration and Air Quality. It is also considered that as the proposal is fully contained within an existing hospital site, it would not have a significant adverse impact on the amenity of the surrounding area.
- (c) Landscape character: - As indicated above, the hospital would be fully contained within the existing hospital site and it is considered that the impact on the landscape would not be significant.
- (d) Access, road layout, parking provision: - Transport Scotland and Development Planning Services (Roads) have not objected to the proposed development.

- (e) Water and Sewerage: - An updated FRA and DA have been submitted in support of the application and SEPA and the Council's Flooding Engineer have no objections to the proposal.

With regards to the relevant policies of the approved Local Development Plan PI1 (Walking, Cycling and Public Transport), PI8 (Drainage, SUDS and Flooding), PI10 (Community Infrastructure) and PI13 (Carbon Emissions In New Buildings) and the general policy, it is considered that the plans and documents submitted in support of the application for approval of matters specified in conditions accord with the relevant approved Local Plan Policies and criteria of the general policy. A condition with respect to PI13 would be required.

In conclusion it is considered that the matters submitted in response to the conditions of planning permission in principle are acceptable subject to the conditions contained in Appendix 1.

4. Full Recommendation

See Appendix 1.



CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
13 May 2014

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

FK/FG

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00153/MSCM

Grant subject to the following conditions:-

1. That prior to the commencement of the development a detailed Signage Strategy to improve directional and information provision to the satisfaction of North Ayrshire Council as Planning Authority.
2. That development shall not commence until an assessment of the potential for the proposed use to cause noise and vibration nuisance including, if applicable, noise produced by the ventilation equipment, to occupants in the surrounding area, has been submitted to the Council as Planning Authority. Where potential noise or vibration disturbance is identified, proposals for the attenuation of that noise or vibration shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. The approved scheme shall cover both development and operational phases and be implemented prior to either commencement of development or the development being brought into use, whichever is relevant, and shall thereafter be retained in accordance with the approved scheme to the satisfaction of North Ayrshire Council as Planning Authority. Such an assessment and the recommendation of any attenuation measures shall be carried out by a suitably qualified person.
3. (a) Prior to commencement of any works on site, the recommendations contained within the 2010 Geo-Environmental Assessment and Ground Investigation Report, submitted in support of the application, shall be implemented. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by North Ayrshire Council as Planning Authority.

(b) On completion of the remediation works, the developer shall submit a completion report to North Ayrshire Council as Planning Authority, confirming that the works have been carried out in accordance with the approved remediation plan and that the works have successfully reduced risks to acceptable levels.

(c) Any previously unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of North Ayrshire Council as Planning Authority within one week or earlier of it being identified. A more detailed site investigation to determine the extent and nature of the contaminant(s) and a site-specific risk assessment of any associated pollutant linkages, shall then require to be submitted to and approved in writing by the Council as Planning Authority.
4. That the recommendations within the Extended Phase 1 Ecology Assessment, 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 implementation.
5. That prior to the commencement of development, the applicant shall submit 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

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

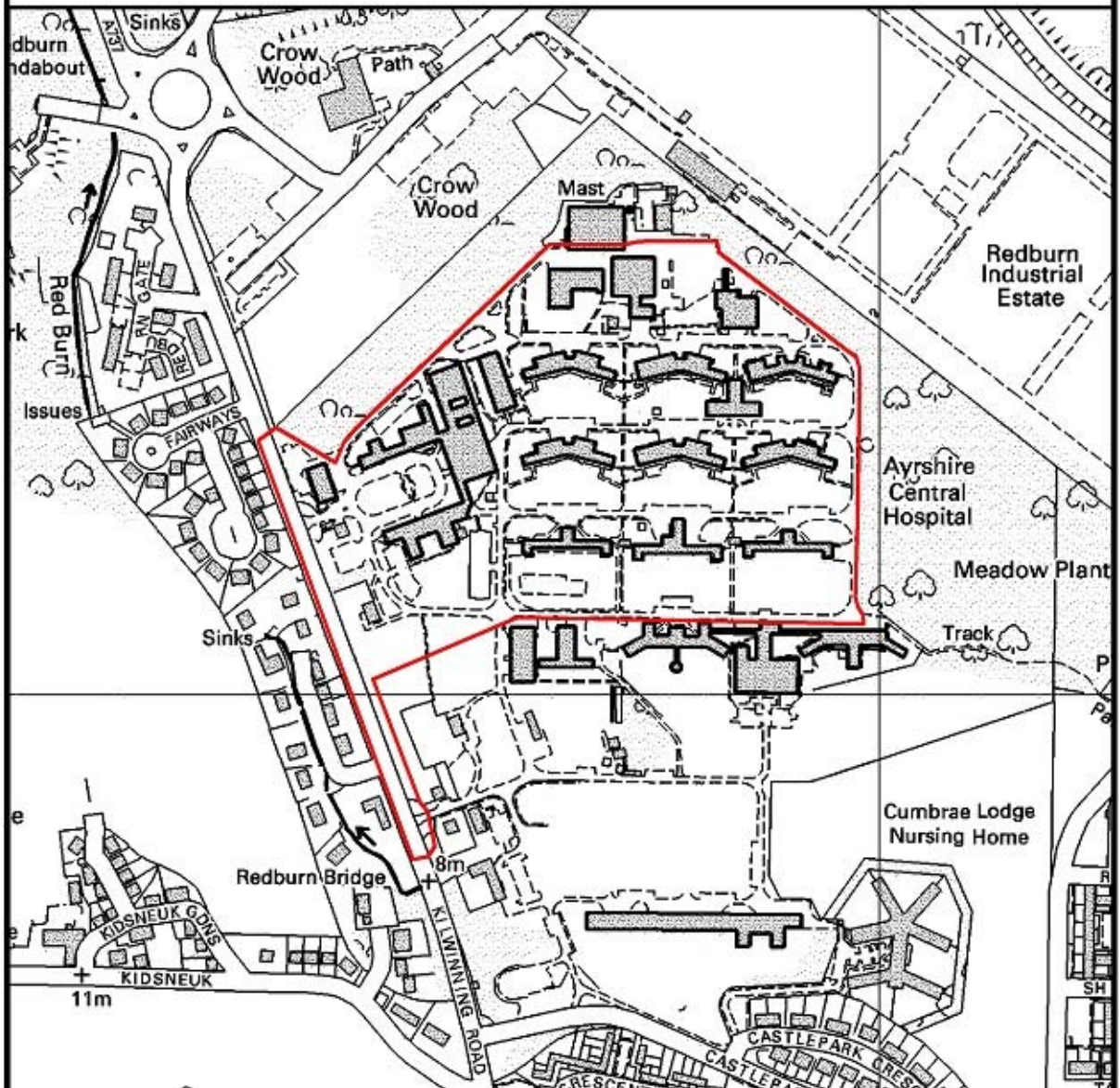
1. In the interest of traffic safety and to reduce clutter.
2. To meet the requirements of Environmental Health.
3. To meet the requirements of Environmental Health.
4. In the interests of preserving flora and fauna.
5. To secure a sustainable development.

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

14/00153/MSCM



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NORTH AYRSHIRE COUNCIL

Agenda Item 3.3

Planning Committee

Planning Area

**28 May 2014
Irvine/Kilwinning**

Reference

14/00235/PP

Application

16th April 2014

Registered

Decision Due

16th June 2014

Ward

Irvine West

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

Location

Riverway Retail Park, Irvine

ApplicantM&G Real Estate
City Place House
55 Basinghall Street
London
EC2V 5DU**Proposal**

Modification of condition 4 in outline planning permission CH/01/88/0546/L and the corresponding condition in Reserved Matters Approval 01/89/0259 relating to non-food retail use, as amended by planning permission N/06/00400/PP and N/11/00644/PP, to read as follows:

"That the proposed development shall be used for the retailing of non-food comparison goods and for no other purpose with the following exceptions:

Unit 1 - Class 1 convenience retailing in a single unit of 1393 sq.m; Unit 1A - up to 70 sq.m. may be used for the sale of ancillary food and drink (for consumption off the premises) within Class 1; Unit 4 - up to 140 sq.m. may be used for convenience retailing (food and drink for consumption off the premises) within Class 1"

1. Description

Under Section 42 of the Town and Country Planning (Scotland) Act 1997, applications can be made to modify conditions imposed on previously approved planning permissions. In this case, permission is sought to allow up to 15% of Unit 1 at Riverway Retail Park, Irvine, to be used for the sale of food and drink. The proposal also seeks to consolidate a number of previous decisions to provide one comprehensive permission for the retail park, the overall effect of which would define the range of goods which can be sold from the retail park.

Riverway Retail Park was originally granted approval on 8th November 1988 (ref. CH/01/88/0546/L). The development subsequently proceeded as a retail park during the subsequent years, with an expansion during the late 1990s. Over the past decade, there has been demand to widen the range of goods available within the retail park, and the Council has approved applications for convenience retailing at Unit 1 (Marks & Spencer), Unit 1A (Next) and Unit 5A (Home Bargains, previously Lidl). The current application has been submitted with a view to enabling the use of Unit 4 (formerly Comet) for a convenience retailer which would include a proportion of food and drink sales (140 square metres, or 15% of the total floor space). Unit 4 has been vacant for over one year. The convenience floorspace would be secondary to the main function of the unit for the sale of comparison goods.

In addition, the proposed amendment to the description properly defines the existing use of the retail park, whilst taking into account the applicant's desire to introduce convenience retailing and ancillary food and drink within the above noted units. The wording of the description has been discussed with the applicant's agent, who has confirmed in writing that his client is agreeable.

In terms of the adopted Local Plan and emerging Local Development Plan (LDP), Riverway Retail Park is recognised as a commercial centre for comparison goods retailing. Revisions made to Policy TC 3 following the publication of the Reporters' recommendations arising from the LDP Examination recognised that the nature of the retail park has changed since its original development. Criterion (a) of Policy TC 3 allows for secondary convenience to be considered.

In terms of planning history, approval of the reserved matters (ref. CH/01/89/0259), which restated the non-food condition, was granted during 1989. Further applications to amend the non-food condition were granted by planning permission N/06/00400/PP (Marks & Spencer) and N/11/00644/PP (Next).

2. Consultations and Representations

The application was subject to the statutory neighbour notification procedures as set out in the Town and Country Planning (Development Management) Regulations 2013, which included a notice in a local newspaper. No representations have been received.

No consultations were required.

3. Analysis

The application requires to be determined in accordance with the development plan. The approved Local Development Plan is a material consideration. In terms of Policy TC 3 of the adopted Local Plan, development other than comparison use shall not accord with the Local Plan. This was re-stated in Policy TC 3 of the LDP, but the text of the policy has since been modified in accordance with the Reporters' recommendations. Criterion (a) of Policy TC 3 now states the following:

"a) comparison goods, secondary convenience goods and ancillary other commercial development at Riverway Retail Park in accordance with the note below:

For the avoidance of doubt proposals in accordance with the retail goods categories specified in this policy will also need to comply with Policy TC 4: Edge of Centre/Out of Centre Development. In the case of the Riverway Retail Park, this particularly applies to convenience retailing which should remain a secondary function to the primary function of the park as a comparison goods retail park, and to any other ancillary commercial development which may be considered appropriate. These uses are considered to be more likely to undermine the function and character of the town centre.

In recent years, various elements of convenience retailing have been granted within Riverway Retail Park in the units currently occupied by Marks & Spencer (Unit 1), Next (Unit 1a) and Home Bargains (Unit 5a). In the approved LDP, the retail park boundary has also been extended to include Tesco and Sainsburys. In acknowledging that the nature of retailing has changed in recent years, and that the retail park has evolved considerably, the Reporter has revised Policy TC3 to allow ancillary convenience retailing. However, this will not undermine the primary function of the retail park which is a commercial centre for comparison goods retailing.

The applicant's agent has made the case that the 15% of floorspace (140 square metres) in Unit 4 would be ancillary to the overall floorspace. The 15% proposed allocation is considered to be "secondary" to the primary comparison goods element within the unit and Riverway Retail Park as a whole, and so meets the requirements of the emerging policy. It should be noted, however, that this proposal relates only to Units 1, 1A and 4. Unit 5A also benefits from an element of convenience retail. Any further changes proposed to any other units within the retail park would also require planning permission. The changes to the policy would allow for a limited proportion of convenience goods to be sold as a "secondary" element of the total floorspace within the Retail Park, whilst retaining its primary function for the sale of comparison goods.

The amended Policy TC 3 also requires applications to satisfy Policy TC 4. There are a range of criteria which require to be satisfied. Firstly, the development must be a local shop - based on the amount of convenience floor space proposed, it is considered that the type of shop envisaged by the applicant would primarily serve local needs. Secondly, Riverway Retail Park is on the edge of Irvine town centre, and is linked by well-defined and well-used pedestrian routes from the Rivergate Shopping Centre. This is sequentially appropriate and satisfies criterion (b). Thirdly, it is not considered that the scale of the proposal would adversely affect the vitality and viability of the town centre, and the proposal would assist the wider regeneration of the local economy by enabling the re-use of a prominently sited vacant retail unit. As noted above, the unit has now been vacant for over a year. Fourthly, criterion (d) requires that the proposal tackles deficiencies within the retail park. The proposal is to introduce a limited ancillary food and drink element within the unit whilst the existing primary comparison retailing element remains, which would assist the viability of the unit.

There are no other material considerations. Accordingly, it is recommended that condition 4 of planning permission CH/01/88/0546/L and all associated permissions are amended as per the terms of the application. The other conditions imposed on the original consents require to be re-issued, and a second condition will be imposed stating that these shall continue to have effect unless they have been discharged.

4. Full Recommendation

See Appendix 1.

A handwritten signature in black ink, appearing to read 'CH', with a horizontal line extending from the left and a vertical line extending from the right.

CRAIG HATTON
Corporate Director (Development and Environment)

Cunninghame House, Irvine
12 May 2014

For further information please contact Mr Anthony Hume, Planning Officer , on
01294 324318

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00235/PP

Grant subject to the following conditions:-

1. That condition 4 of outline planning permission ref. CH/01/88/0546/L and the associated approval reserved matters CH/01/89/0259; condition 1 of N/06/00400/PP and condition 1 of N/11/00644/PP are hereby amended to read as follows:

"That the proposed development shall be used for the retailing of non-food comparison goods and for no other purpose with the following exceptions:

Unit 1 - Class 1 convenience retailing in a single unit of 1393 sq.m;

Unit 1A - up to 70 sq.m. may be used for the sale of ancillary food and drink (for consumption off the premises) within Class 1;

Unit 4 - up to 140 sq.m. may be used for convenience retailing (food and drink for consumption off the premises) within Class 1.

Reason: To restrict the development to the terms of its justification/special need."

2. That the conditions imposed on outline planning consent ref. CH/01/88/0546/L and the associated approval of reserved matters ref. CH/01/89/0259 are still applicable, unless otherwise discharged in writing by North Ayrshire Council as Planning Authority.

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

1. To reflect updated planning policy for Riverway Retail Park as per the Reporters' recommendations on the Local Development Plan.
2. To reflect that the other planning conditions imposed on the original consents for the retail park continue to have effect.

Reason(s) for approval:

1. 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

14/00235/PP



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NORTH AYRSHIRE COUNCIL

Agenda Item 3.4

Planning Committee

Planning Area

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

Recommendation

Agree 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 Nethermains 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 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) 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 a condition within their consultation response in relation to 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 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.
- Nethermain: 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.

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 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 replacement thereof 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" and replacement thereof 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 the development hereby approved shall commence in phases, and in accordance with the following transport requirements, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority and in consultation with Transport Scotland. No more than 180 houses constructed on the site shall be occupied until either,

(i) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network; OR

(ii) An updated transport assessment has been submitted to and approved by the planning authority, in consultation with Transport Scotland, confirming that additional development can be accommodated within the capacity of the trunk road network in the event of the implementation of appropriate measures identified within the approved transport assessment; OR

(iii) The modifications to the A78(T)/A738(T) Pennyburn roundabout, generally as indicated in SIAS drawing number 75064-1 titled Pennyburn Roundabout Signalisation - Revision 1, and the modifications to the A738(T)/Pennyburn Road mini-roundabout and the A738(T) Whitehirst Road signalised to form a roundabout junction generally as indicated in SIAS drawing number 75064-5 titled Whitehirst Park Road have been implemented; OR

(iv) North Ayrshire Council as Planning Authority or any other party has concluded an appropriate legal agreement or agreements for the funding and implementation of the works to mitigate the development.

9. That there shall be no means of direct access onto the A78 trunk road either pedestrian or vehicular.

10. 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.

11. That the house completion rate of the development, hereby approved, shall be restricted to 20 houses per annum, unless otherwise agreed in writing by 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.

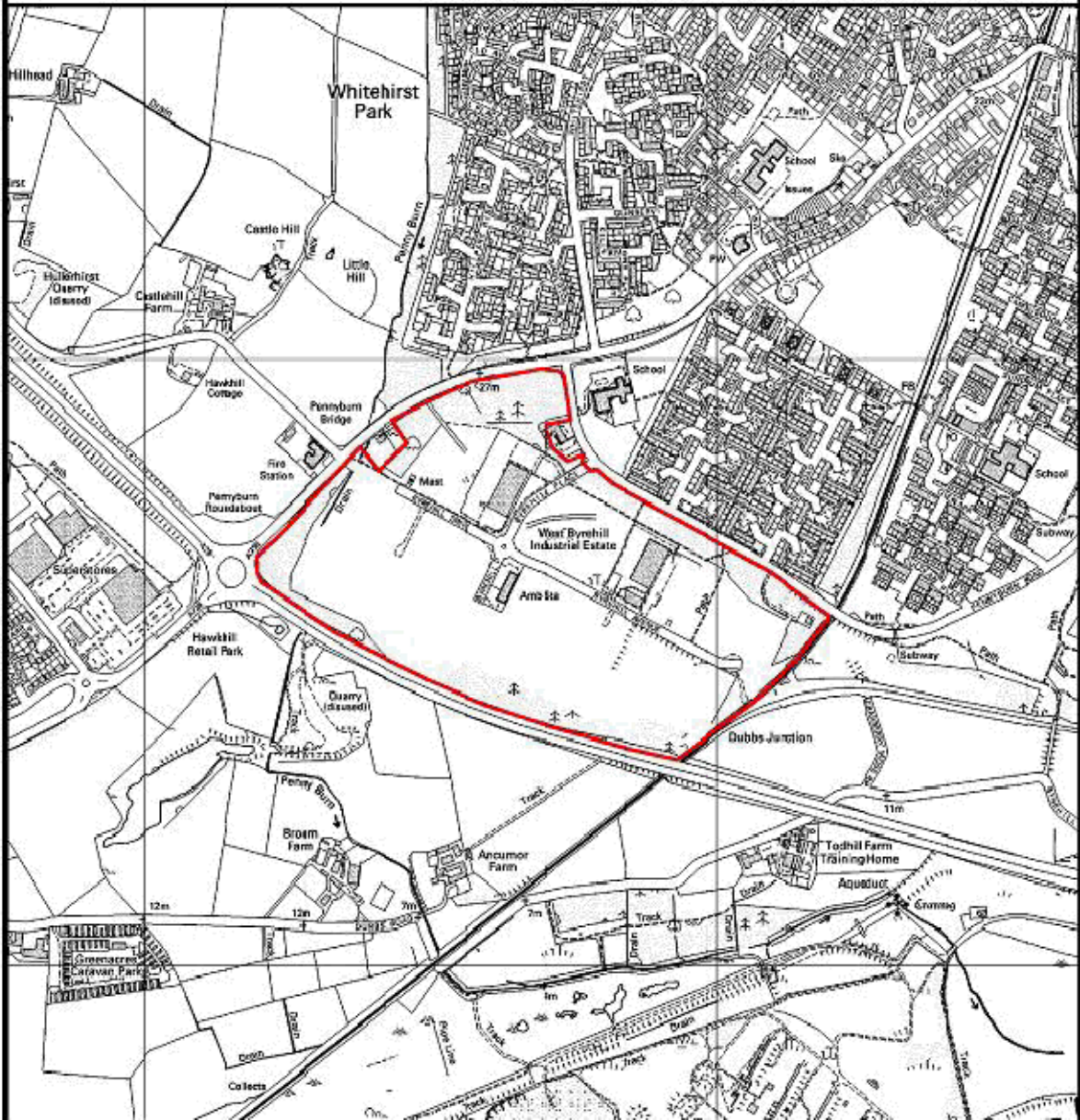
5. To secure a sustainable development.
6. In the interests of preserving flora and fauna.
7. To meet the requirements of Environmental Health.
8. To restrict the scale of the development prior to the implementation of mitigation in the interests of protecting the safety and free flow of traffic on the trunk road.
9. 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.
10. To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.
11. To meet the requirements of Education and 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 4

Planning Committee

28 May 2014

Planning Area

North Coast and Cumbraes

Reference

14/00054/PPM

Application

23rd March 2014

Registered

Decision Due

23rd July 2014

Ward

North Coast and Cumbraes

Recommendation**Agree subject to Conditions contained in
Appendix 1**

LocationSite to south east of Hunterston B Power Station,
West Kilbride**Applicant**SP Energy Networks
Ochil House
10 Technology Avenue
Hamilton
International Technology Park
Blantyre**Proposal**Development of a sub-station and associated
access road on agricultural land to the south of
Hunterston B Power Station comprising outdoor
electrical equipment and a control building within a
secure fenced compound.

1. Description

The sub-station site lies some 220 metres south-east of the power station complex on agricultural land and approximately 100 metres north/north-west of the site of the sub-station associated with the Western Link converter station which was approved in February 2012 and is currently under construction (ref. 11/00708/PP). It would be situated some 600 metres south of the power station access road on gently rising ground which steepens to the south of the site with a backdrop formed by Goldenberry Hill. Hunterston Castle lies some 350m to the east of the site and Hunterston House is some 430m to the north-east.

The applicants advise that the sub-station would be developed to facilitate connection of a predominately sub-sea electricity transmission link between Kintyre in Argyll and Bute and Hunterston in North Ayrshire. This will ensure that the transmission system in the region meets national standards for quality and security of supply and provide additional capacity allowing renewable energy generated in the Kintyre area to be transmitted to areas of demand in south and central Scotland and beyond.

The proposed sub-station comprises two outdoor transformer units, up to 9 metres tall and other outdoor electrical equipment including 6 metre high noise enclosure walls, a seven metre high fire wall and a control building measuring 18.5 metres in length, 12.8 metres in width with a dual pitch roof measuring 6 metres to ridge height, the walls and roof of which would be finished in profiled metal cladding. Approximately 4 km of underground cable would be installed between Ardsay Bay where the marine cable would make landfall and Hunterston. The installation works would be undertaken in parallel with the Western link cabling to limit disturbance using a single working corridor.

Permanent access to the sub-station would be taken from the existing gated access road to the south of Hunterston A power station which also provides access to the Western Link converter station and sub-station project currently under construction. Landscaping is proposed to integrate the site into its surroundings and screen the sub-station in wider views from the north and north-west. Mixed nature woodland with shrub hedge planting is proposed. The proposed working hours are 7.00am to 7.00pm weekdays, 7.00am to 2.00pm at weekends though some period of 24 hour working would be required.

The site is located over two fields currently used for livestock grazing. The adjoining land to the north and east is also used for livestock grazing; the land to the south-west forms the site of the consented Western Link converter station and sub-station under construction.

Although due to its nature and scale the sub-station does not require to be the subject of an Environmental Impact Assessment in terms of the Environmental Impact Assessment (Scotland) Regulations 2011, as a matter of good practice the applicants have undertaken an Environmental Appraisal (EA) of the sub-station to identify and assess the potential environmental effects of the sub-station together with the cumulative effects resulting from the Kintyre-Hunterston link and the Western link.

The EA examines the impacts of the proposed development under the headings of Landscape and Visual, Construction and Operational Noise, Ecology and Nature Conservation, Archaeology and Cultural Heritage, Traffic and Transport, Water Environment, Ground Conditions, Air Quality, and Land Use.

Four sites in the vicinity were considered and the site chosen was selected as it could accommodate the sub-station design while avoiding technical constraints such as the 400kV overhead lines and avoiding impacts on nearby sensitive environmental sites on Goldenberry Hill.

The EA concluded that the effects, including cumulative, were generally not significant though the visual appraisal incorporating an assessment of eleven viewpoints concluded that significant residual effects on visual amenity in the year of opening or commissioning of the sub-station would be experienced at Goldenberry Hill and on the power station access road to the south and north of the proposed sub-station. These effects, it concludes, would reduce and are predicted not to be significant in the long term. The EA identifies significant residual effects on Hunterston House, Hunterston Castle and Hunterston House local landscape of historic interest due to the impact of the sub-station on their setting which the EA concludes can not be adequately mitigated.

The applicants advise that the EA was used to inform the design of the sub-station which included locating and aligning it so that the built envelope is in keeping with that of the existing power stations and sub-stations, making use of the topography and earthworks to establish a platform which helps to reduce the extent of visibility of the sub-station in views from the east/north east of the site, establishing landscape planting on the northern boundary of the site to provide screening in views from the north/north east with additional planting to the east to enhance existing woodland and utilising colours and materials in the design which are in keeping with those of the existing power stations and sub-stations as well as the Western Link facility under construction.

In developing the site the applicants are satisfied that they have fulfilled their statutory licence obligations by developing proposals for the sub-station whilst taking account of environmental, technical and economic factors.

The Planning Etc (Scotland) Act 2006 states that in determining applications regard has to be given to the National Planning Framework 2 (NPF2) which sets the spatial strategy for Scotland's development to 2030 and designates national development of strategic importance to Scotland. It identifies Hunterston as a National Development location specifically making provision for a clean coal fired power station and fuel storage yard, biomass/gas fired power station, carbon capture infrastructure, container transshipment hub, maritime construction and de-commissioning yard, downstream industrial processes and associated environmental works. The specific location is described as adjoining the existing bulk handling terminal and marine construction yard.

In the Annex 2 to NPF2, the schedule of development designated as National Developments includes the need for electricity, grid reinforcements that are "essential to provide the transmission capacity necessary to realise the potential of Scotland's renewable energy resources, maintain long term security of electricity supply and support sustainable economic development". The Kintyre-Hunterston link however is not specifically mentioned. It does however mention the need for substantial reinforcements of the electricity transmission system to realise the potential of renewable energy resources including "measures to address capacity constraints in Argyll".

NPF3 is currently being prepared. The Main Issues Report was published in May 2013 and sets out the direction of National Planning Policy. It retains the projects previously identified in NPF2 and Map 5 illustrates a 220kV cable from Kintyre to Hunterston. If included within the final NPF3, the Kintyre-Hunterston link will become National Development.

The Ayrshire Joint Structure Plan, approved 2007, provides a long term strategic policy framework for development of land within Ayrshire. It will be superseded by the Local Development for North Ayrshire (LDP) which was approved for adoption by the Local Development Plan Committee on 4th April 2014 following the publication of the Reporter's recommendations regarding the examination of the LDP.

In the Adopted North Ayrshire Local Plan (excluding Isle of Arran) the site is located within a countryside area and is unaffected by any site specific policies or proposals therein. Policy ENV1 is applicable in relation to development within countryside areas and details the type of development that would be acceptable in such areas including development associated with public utility operations that have a specific operational need to be located on site.

Policy ENV6 is opposed to development that would have an adverse effect on nature conservation sites. In the surrounding areas there are a number of such sites including Southannan Sands SSSI and Portencross Woods SSSI, Seamill to Ardneil Bay Site of Importance for Nature Conservation (SINC), Ardneil SINC, Campbeltown Hill and Water Meadow SINC and Goldenberry Hill SINC. There are a number of archaeological sites in the area and therefore Policy BE10 is potentially applicable. Hunterston House local landscape of historic interest is nearby and Policy BE12 is relevant which requires such landscapes to be taken into account when assessing development proposals. There are also listed buildings in the vicinity namely Hunterston Castle (category A), and Carlung House and Hunterston House (category B). Policy BE5 is applicable and is opposed to development which would have an adverse affect on the setting of such buildings.

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

The site is also located within a countryside area in the LDP, the adoption of which is imminent. The LDP is therefore a material consideration. Policy ENV1 is relevant which permits development in the countryside comprising essential public infrastructure that has a specific operational need to be located on site.

Policy IND2 of the LDP - Hunterston National Development (as identified by NPF2) - identifies a range of developments at Hunterston that shall accord with the LDP including new grid connections to support sub-sea electricity transmission. All such developments are required to demonstrate how they fit with the existing and other proposed uses to safeguard the wider potential for development within the designated industrial site and not foreclose the possibility of providing deep water access from other parts of the site. In addition they must take into account the environmental sensitivities of the coastal location, nearby SSSIs at Portencross Woods and Southannan Sands, be subject to an Environmental Assessment where appropriate, be subject to consultation with the Health and Safety Executive, be subject to an integrated transport study, provide off-site infrastructure where appropriate and be subject of a Flood Risk Assessment where necessary.

Policies ENV1 (New Development in the Countryside), ENV9 (Nature Conservation), HE2 (Listed Buildings), HE4(b) (Archaeological Sites) and HE5 (Historic Landscapes) are also relevant.

All development proposals require to be assessed against the General Policy of the LDP.

The proposed sub-station is classed as "major development" under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the site area exceeds 2 hectares. Pre-Application Consultation (PAC) therefore was undertaken by the applicants in accordance with the Planning Etc (Scotland) Act 2006. A PAC report was submitted with the application which details the consultation activities undertaken by the applicants, including, publication of a notice in a local newspaper advertising a public exhibition event and ongoing consultation with a range of statutory and non-statutory consultees, elected representatives and other stakeholders. The report provided details of comments received during the consultation period and the applicants response to the matters raised.

2. Consultations and Representations

There were no neighbours to notify. The application was advertised for neighbour notification purposes in a local newspaper on 2nd April 2014. No objections or representations were received.

West Kilbride Community Council - No objection.

Responses - Noted.

West of Scotland Archaeology Service - The site is in area of recognised archaeological potential on the Ayrshire coastal plain and is large in scale so the potential for significant unrecorded sub-surface archaeological deposits remains an issue. Several archaeological records dating to the prehistoric period surround the application area and despite agricultural improvements it is possible that significant archaeological remains may survive within the application boundary. This is borne out by the results of archaeological works ahead of construction of the converter station to the south-west of the site where significant remains have been identified and excavated. The Council should therefore consider attaching an archaeological condition if it is minded to grant the application.

Response - A condition could be imposed in this regard.

Historic Scotland - It would appear that the proposals may impact on the setting of the A listed Hunterston Castle. The applicants consider that there will be a significant long term impact on the setting of the building which can not be adequately mitigated but that the proposed development would appear as a physical extension of the existing industrial development on the site. Historic Scotland agree with this assessment and do not therefore wish to object to the proposal in this instance. The Council should therefore proceed to determine the application without further reference to Historic Scotland.

Response - Noted.

Environmental Health - The presence of any significant unsuspected contamination which becomes evident during the development should be brought to the attention of Environmental Health and a suitable investigation/remediation strategy agreed. Permitted operating times for noisy construction works should be Monday - Saturday (excluding public holidays) 0800 - 1900 hours. Plant, machinery and operating methods should accord with BS 5228 to minimise nuisance from noise and vibration, construction work must not cause nuisance and a loss of amenity to neighbouring properties due to excessive noise or dust and arrangements must be made for the removal and proper disposal of waste materials off site - burning waste on site is not permitted unless exempted by SEPA.

Response - A condition could be imposed with regard to discovery of contamination. The other matters could be conveyed to the applicants by note attached to planning permission.

Development Planning (Roads) - Transport Scotland, as the Trunk Road Authority, should be consulted on matters relating to access and junction arrangements on to the A78 trunk road. The road within the curtilage of Hunterston B power station does not form part of the adopted public highway network.

Response - Noted. See Transport Scotland consultation and response.

Transport Scotland - Conditions should be attached to any permission the Council may give regarding approval of routes for abnormal loads and provision of a traffic management plan.

Response - Conditions could be imposed with regard to these matters.

Scottish Natural Heritage - In accordance with SNH's Service Statement for Planning and Development, SNH does not intend to make any specific comment on the proposal. This does not mean that there are no natural heritage interests within the site or its immediate surroundings. However in this instance the Planning Authority should be able to identify and address any natural heritage impacts and seek opportunities for enhancement or mitigation without further reference to SNH.

Response - Noted. See Analysis.

SEPA - Surface water run-off from the site must be drained via a SUDS system. If the facility is to be served by a foul drainage system SEPA will require the soakaway for the septic tank effluent to be designed in accordance with the requirements of the Building Standards Technical Manual. It is primarily the responsibility of the applicant and their contractors to ensure that sufficient precautions are taken at the construction stage of the project to prevent silts/sediments associated with soil stripping, vehicle movement, etc. entering the water environment. The preparation of Construction Method Statements (CMS) would be a useful mechanism for ensuring that these matters are suitably addressed and SEPA would recommend that these are discussed with the local operations team at least 6 weeks prior to works commencing at the site. Oil and fuel storage at the site both in the construction and operational phase must be in line with The Water Environment (Oil Storage)(Scotland) Regulations 2006. All waste produced as a result of the development must be disposed of to a suitably licensed site or alternatively to a site where an appropriate exemption from Waste Management Licensing (Scotland) Regulations 2011 has been registered with SEPA.

Response - A condition could be imposed to secure drainage details. The applicants could be advised by note to contact SEPA with regard to the other matters.

Fairlie Community Council and Health and Safety Executive (Office for Nuclear Regulation) - No response to date.

3. Analysis

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Planning Etc (Scotland) Act 2006 further states that in determining applications regard has to be given to the National Planning Framework 2 (NPF2) which sets the spatial strategy for Scotland's development. The development of the proposed sub-station, a key part of the Kintyre-Hunterston Link, would accord with the aims of Government Policy with respect to the development and transmission of renewable energy. The proposed sub-station is not listed in the description of development for the Hunterston National Development and is not located within the area indicated for this national development. The siting of the proposed sub-station would not therefore hinder development of the NPF2 uses listed for the Hunterston National Development. As noted above, the Kintyre-Hunterston Link is identified in NPF3 which is currently being prepared and if approved would become National Development. The proposed development would not therefore conflict with Scottish Government Policy and would accord with the draft NPF3 regarding electricity transmission system reinforcement projects and connections to support renewable energy development.

The main determining issues in this case are whether the proposal accords with the relevant policies of the adopted Local Plan, namely ENV1, ENV6, BE5, BE10 and BE12 and also the relevant criteria of the Development Control Statement. Given that the LDP will be adopted in the near future, the relevant policies within the LDP are also a material consideration. These are ENV1, IND2, ENV9, HE2, HE4(b) and HE5. The General Policy is also of relevance.

With regard to existing Local Plan policy, the proposed development would accord with ENV1 (Development in the Countryside) as it would comprise development associated with public a utility operation that has a specific operational need to be located on the site.

In relation to ENV6 (Nature Conservation) the site of the proposed sub-station is not designated as being of importance for nature conservation. The ecological appraisal undertaken by the applicants considered the potential effects on ecological features in the immediate vicinity of the site including statutory and non-statutory sites, habitats and notable flora, protected mammal species and ornithological interests. Due to the distance from the proposed sub-station to these sites, the appraisal concluded that the statutory sites would be unaffected and in relation to non-statutory sites, the nearest of which is some 100 metres to the south, there would be no significant effects on them. Desk and field studies were undertaken which found that there were no habitats within or immediately surrounding the site of highly sensitive or high conservation status, nor was the site being used by protected species including badgers, bats and reptiles. The EA undertaken by the applicants furthermore identifies a schedule of mitigation measures such as the implementation of an Environmental Management Plan which sets out procedures and control measures to be adopted by the contractor to mitigate potential environmental effects of construction. If adopted, this should mean that there would be no significant impacts on habitats or species as a result of the construction and operation of the sub-station. A condition could be imposed in this regard. Therefore it is considered that the proposal would accord with ENV6.

With regard to Policy BE5 (Listed Buildings) the EA identifies significant residual effects on Hunterston House, Hunterston Castle and Hunterston House local landscape of historic interest due to the impact of the sub-station on their setting which can not be adequately mitigated. Given the proximity of the sub-station to the power station complex, it would appear as a relatively minor extension to the power station complex. On balance, its siting, scale and appearance in relation to the listed buildings are considered to be acceptable. As noted above Historic Scotland did not object to the proposed development. The impact would be further minimised given the distances involved and intervening woodlands, augmented by the proposed reinforcement planting, which screen the listed buildings from the power station buildings.

With regard to Policy BE10 (Archaeological Sites) a condition could be imposed to secure the undertaking of an archaeological evaluation as advised by West of Scotland Archaeology Service. This would satisfy the requirements of Policy BE10.

Policy BE12 relates to local landscapes of historic interest and as indicated above the current setting of the local landscapes of historic interest at Hunterston House and Carlung House have been affected by past industrial development. The scale of the proposed sub-station, its proximity to the power station complex, the intervening distance and proposed landscaping would it is considered minimise the impact of the development on these local landscapes. The proposed development would therefore accord with Policy BE12.

The relevant criteria of the Development Control Statement are the siting, design and external appearance of the sub-station and its impact on amenity and landscape character.

The siting of the sub-station is in relatively close proximity to the existing nuclear power station complex and existing electrical equipment including transmission pylons and sub-stations. It would be some 600 metres south of the power station access road, some 350m from Hunterston Castle and 430m from Hunterston House. Its siting is therefore considered to be acceptable. With regard to design and external appearance the sub-station site would contain a building of relatively modest proportions which would be clad in materials to match the finishes of the power station buildings and which would have ridge height of 6 metres only. The remaining plant would comprise non-enclosed transformers and other electrical equipment including noise enclosure walls 6 metres in height and a 7 metre high fire wall. The sub-station would be enclosed by a 3 metre high palisade fence. The siting, design and external appearance of the installation are therefore considered to be acceptable.

In view of the above the proposal accords with the relevant Local Plan Policy and Development Control Statement criteria of the adopted North Ayrshire Local Plan (excluding Isle of Arran).

With regard to the LDP, policies ENV1 (New Development in the Countryside), ENV9 (Nature Conservation), HE2 (Listed Buildings), HE4(b) (Archaeological Sites) and HE5 (Historic Landscapes) are similarly worded to the equivalent policies in the current Local Plan, namely, ENV1, ENV6, BE5, BE10 and BE12 against which the proposal has been assessed above.

Policy IND2 (Hunterston: Development in the National Interest) is also relevant. It makes reference to grid connections and the Western Link in particular stating that development associated with the Western Link electricity convertor station/sub-station shall be located in close proximity to existing apparatus and be of a suitable scale and character appropriate to the locality where the landscape setting helps ensure suitable screening. The proposed sub-station would be linked to the Western Link sub-station by a short section of underground cable. As indicated above the scale and design of the proposed sub-station would be appropriate to the locality. It would be sited close to and to the south-east of the existing power station buildings, close to the Western link convertor station and sub-station and would utilise the backdrop of nearby hills and woodland for screening purposes. It does not foreclose the possibility of providing deep water access from other parts of the site. The EA has taken into account the environmental sensitivities of the coastal location including the SSSIs at Portencross Woods and Southannan Sands. As noted above the Health and Safety Executive has yet to respond. However a condition could be imposed to ensure that a detailed Emergency Response Plan is prepared by the applicants in consultation with HSE prior to the commencement of the development. The nature of the development proposed is such that an integrated transport study and off-site infrastructure are not required; the site is not identified as being at risk of flooding. The proposal would therefore accord with Policy IND2 of the LDP.

Finally with regard to the General Policy, the relevant criteria are similar to the criteria contained in the Development Control Statement of the current Local Plan. The proposed development has been assessed in relation to the relevant criteria of the current Local Plan and considered to be acceptable.

In view of the foregoing the development of the proposed sub-station accords with Government and Development Plan policy and therefore planning permission 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
8 May 2014

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

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00054/PPM

Grant subject to the following conditions:-

1. 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: (i) the external finishes to the control building; (ii) the design and finish of the proposed noise enclosures and fire wall; and (iii) the design and finish of the perimeter fence.
2. That the proposed route for any abnormal loads on the trunk road network shall be approved by Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening and traffic management shall be similarly approved, to the satisfaction of North Ayrshire Council as Planning Authority.
3. That prior to any works commencing on site, a Traffic Management Plan shall be submitted for the written approval of North Ayrshire Council as Planning Authority following consultation with Transport Scotland, to the satisfaction of North Ayrshire Council as Planning Authority.
4. 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 applicants, agreed by the West of Scotland Archaeology Service and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.
5. 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 in writing 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.
6. 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 proposals for the early implementation of the landscaping, 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.
7. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the planting programme agreed under condition 6 above; 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.

8. That the schedule of mitigation measures as detailed in Part 1 of the Environmental Report submitted in support of the application shall be implemented in accordance with the details described therein. This shall include the provision of an Environmental Management Plan and appointment of a suitably qualified Environmental Clerk of Works to ensure delivery of the ecological mitigation measures contained in the Environmental Report during the construction of the development, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

9. That prior to the commencement of the development the applicants shall agree a Detailed Emergency Response Plan (DERP) with North Ayrshire Council as Planning Authority in consultation with the Nuclear Site Licensees and the Emergency Planning Consultative Committee, which shall include details of all emergency planning requirements for the site in construction and operational phases and options for consultation meetings if required. The DERP 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.

10. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as planning authority exact details of the proposed disposal of foul drainage from the development, both during construction and operation; the approved details including programming shall be implemented to the satisfaction of North Ayrshire Council as planning authority.

11. 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.

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

1. In the interest of the amenity of the area.
2. To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network, as advised by Transport Scotland.
3. To ensure construction traffic moving to and from the site does not cause unnecessary impact on the safe and free flow of the trunk road traffic, as advised by Transport Scotland.
4. In recognition of the potential archaeological importance of the site.
5. To meet the requirements of Environmental Health.
6. To secure a landscaping scheme in the interest of amenity.
7. To secure the proper completion of the development in the interest of amenity.
8. To minimise the impact of the development on the environment.

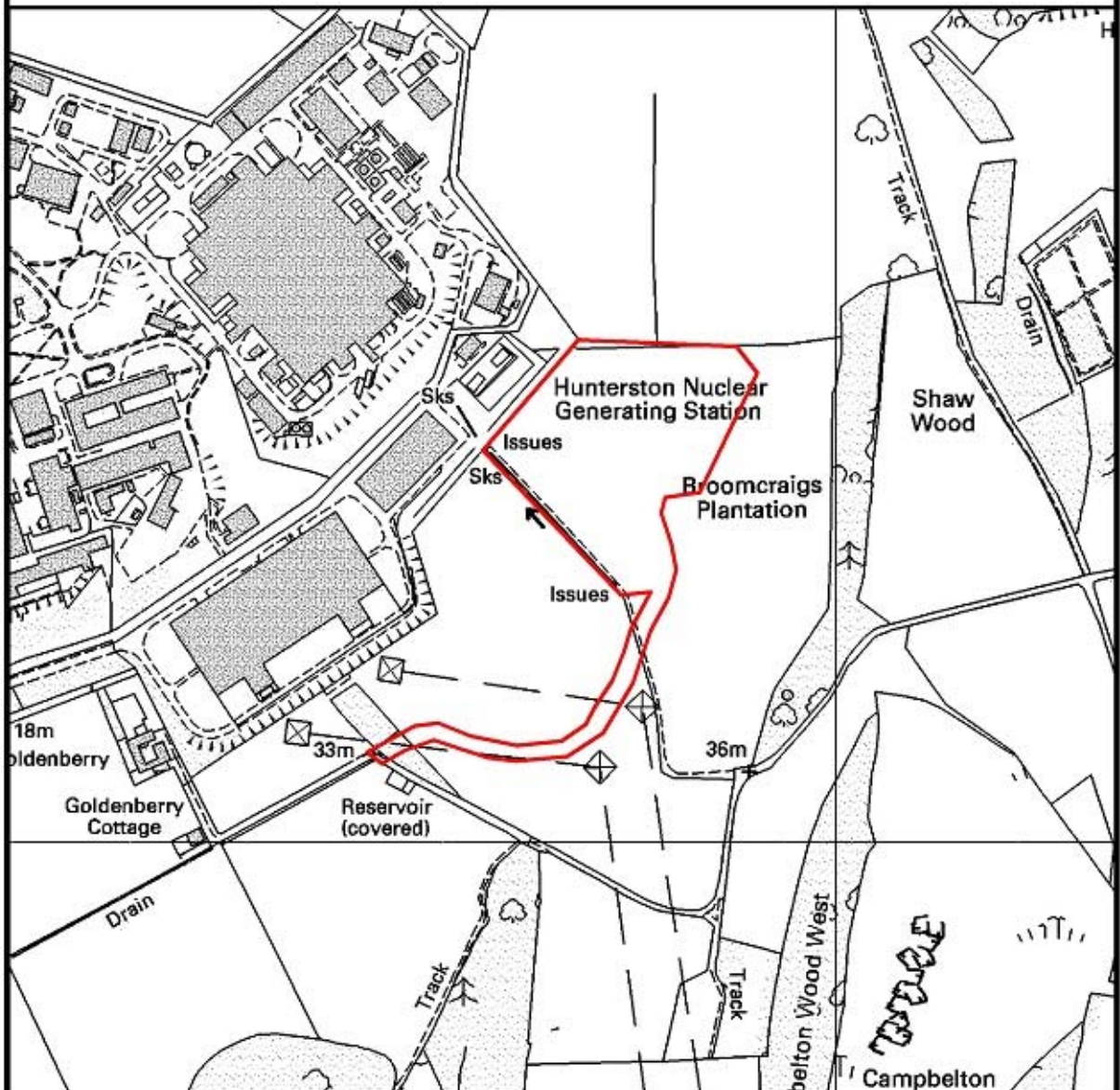
9. In the interests of safety.
10. To meet the requirements of the Scottish Environment Protection Agency.
11. To meet the requirements of the Scottish Environment Protection Agency.

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

14/00054/PPM



NORTH AYRSHIRE
COUNCIL

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