
NORTH AYRSHIRE COUNCIL

30th September 2020

Planning Committee

Locality	Irvine
Reference	20/00676/PP
Application Registered	19th August 2020
Decision Due	19th October 2020
Ward	Irvine South

Recommendation	Approved subject to Conditions
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Location	Site To South And West Of 10 Crompton Way North Newmoor Irvine Ayrshire
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Applicant	Persimmon Homes F.a.o Mr Rory Doherty
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Proposal	Section 42 application to amend condition 3 of planning application 19/00908/PPM in respect of the specification for thermal double glazing and acoustic ventilation
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1. Description

This application seeks planning permission to vary a condition under Section 42 of the Town and Country Planning (Scotland) Act 1997. It is proposed to vary the wording of condition 3 of planning permission ref. 19/00908/PPM which currently reads:

'That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 30dB_{Rw} for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.'

This condition sought to ensure the mitigation measures proposed by the applicants' 'Noise Report - Technical Memorandum' which supported the application. Due to Building Standards regulations requiring a different type of ventilation from what was originally

envisaged, the minimum noise reduction which can be achieved is minus 29dB. It is therefore requested that the wording of the condition be changed to read as follows:

'That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 29dBRw for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.'

This condition arose from the planning consultation with North Ayrshire Council (NAC) Environmental Health. The main policy consideration for amending this position with regards to the North Ayrshire Local Development Plan (LDP) is Strategic Policy 2: Placemaking. Strategic Policy covers a range of Planning matters including residential amenity.

Relevant Development Plan Policies

Strategic Policy 2 Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

2. Consultations and Representations

Neighbour notification was undertaken in accordance with statutory procedures. There was no requirement to advertise the application. No letters of representation were received.

Consultations:

NAC Environmental Health: No objections.

Response: Noted.

3. Analysis

Planning Circular 4/1998 states that conditions should only be imposed on planning permissions where they are:

- Necessary,
- Relevant to planning,
- Relevant to the development to be permitted,
- Enforceable,
- Precise, and
- Reasonable in all other aspects.

Condition 3 relates to ensuring that the permitted dwellinghouses receive suitable noise reduction measures in relation to the nearby noise emitters, such as the A78 Irvine Bypass, thus protecting the amenity of the approved houses. Residential amenity is a factor covered by Strategic Policy 2 of the LDP, and therefore it was considered necessary to add a condition relating to noise reduction within the context of the LDP. It is considered that the condition as detailed meets the six tests highlighted above.

The minimum sound reduction required to be achieved for the proposed houses which are to be provided with thermal double glazing and acoustic ventilation is to reduce from 30dB to 29dB. It is considered that this 1dB reduction would be marginal and would not result in a significant adverse impact on the residents of the houses which are to be built on the site. As such, the proposed change would therefore not affect their amenity, nor result in harmful effects in terms of noise impacts. It is noted that NAC Environmental Health has no objections to the proposed amendment. The proposal to amend the condition is therefore considered to be in accordance with Strategic Policy 2 of the adopted LDP.

There are no other material considerations. Given that the proposal is in accordance with the relevant policies of the LDP, it is considered that planning permission can be granted.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. That, prior to the commencement of any building operations, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a detailed schedule of the proposed external finishes. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the external finishes are appropriate.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall submit:

- Full details of the proposed acoustic barriers,
- Full details of the proposed noise bund, and
- A scheme of maintenance for the acoustic barriers and noise bund

for the written approval of North Ayrshire as Planning Authority. For the avoidance of doubt the barrier requires to be effective acoustically, such as a close boarded timber fence with a mass per unit of area in excess of 12kg/m² and with no gaps at the joints, or alternatively, a continuous masonry wall. The acoustic barriers shall thereafter be erected in accordance

with such details as may be approved and maintained in accordance with such as scheme as may be approved, all to the satisfaction of north Ayrshire Council as Planning Authority.

Reason

In order to ensure that the acoustic barriers are of a suitable design and are maintained.

Condition

3. That prior to the commencement of the development hereby approved, the applicant shall provide details of which houses will be provided with thermal double glazing and acoustic ventilation providing sound reduction of a minimum of 29dBRw for the written approval of North Ayrshire Council as Planning Authority. The applicant shall also provide full details of the proposed thermal double glazing and acoustic ventilation for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the development shall be implemented only in accordance with such details as may be approved, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

Reason

In order to ensure that the houses close to the adjacent industrial uses are suitably soundproofed, in the interest of amenity.

Condition

4. That the rated noise level, as defined in BS4142, from the commercial activities must not exceed the background noise level at the curtilage of any proposed residential property by 5dB(A) or more.

Reason

In order to ensure that the noise level at the hereby approved properties does not exceed a reasonable level; in the interest of amenity.

Condition

5. 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. 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 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.

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

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

Reason

In order to ensure that the site is not contaminated; in the interest of amenity.

Condition

6. That prior to the commencement of the development the applicant shall assess if a Detailed Air Quality Assessment is required to ensure that the development will not impact ambient air quality at any sensitive receptors and submit the findings to North Ayrshire Council. If required, a Detailed Air Quality Assessment will be submitted to the satisfaction of North Ayrshire Council.

Reason

In order to ensure that the air quality is acceptable; in the interest of amenity.

Condition

7. That prior to the commencement of the development hereby approved, full details of the drainage arrangements including:

- post development overland flow paths, attenuation measures and overflow devices,
- porous paving or linear filter trenches adjacent to car areas/driveways,
- a maintenance schedule for the proposed drainage assets,
- a land drainage strategy

shall be provided for the written approval of North Ayrshire Council as Planning Authority. The development shall then progress in accordance with such details as may be approved.

Reason

To prevent flooding.

Condition

8. That, prior to the commencement of the development hereby approved, a scheme of further intrusive site investigations for mine entries and adits shall be undertaken by appropriately qualified persons, the scope of which shall be adequate to fully assess the ground conditions below the site and inform any required remedial works. Thereafter, the applicant or their representative shall prepare and submit a report of findings arising from the intrusive site investigations for the approval of North Ayrshire Council as Planning Authority. Any remediation works which are approved shall then be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development.

Condition

9. 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 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 the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

To make appropriate provision for investigating and recording any buried archaeological remains.

Condition

10. That immediately prior to the commencement of the development hereby approved, a pre-construction badger survey shall be undertaken in order to determine whether any new setts have been established on the site and submitted for the approval of North Ayrshire Council as Planning Authority. If any setts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that no badgers are harmed by the development.

Condition

11. That prior to the commencement of the development hereby approved, the applicant shall submit full details of the proposed boundary treatments for the written approval of North Ayrshire as Planning Authority. The development shall then progress in accordance with such details as may be approved to the satisfaction of north Ayrshire Council as Planning Authority.

Reason

In order to ensure that the boundary treatments are appropriate.

Condition

12. 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.

Reason

In order to ensure that the site is appropriately landscaped.

Condition

13. 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.

Reason

In order to ensure that the approved landscaping is carried out and maintained.

Condition

14. That during construction, a 30m buffer shall be established around the four trees identified in the Phase One Habitat Survey (EDI_1952) as being within 30m of the site and having potential for bat roosts. If this cannot be achieved a further tree climbing assessment shall be carried out and If any roosts are discovered, the development shall not progress until a scheme of mitigation has been approved and undertaken, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In order to ensure that no bats are disturbed by the proposed development.

Russell McCutcheon
Executive Director (Place)

For further information please contact Mr John Mack on 01294 324794.

Appendix 1 – Location Plan

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