

Planning Committee
28 May 2014

IRVINE, 28 May 2014 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

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

Chair

Councillor Ferguson 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. Minutes

The accuracy of the Minutes of the (i) ordinary meeting of the Committee held on 19 March 2014 and (ii) the special meeting held on 8 May, 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Irvine/Kilwinning

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

NHS Ayrshire and Arran, Ayrshire Central Hospital, Kilwinning Road, Irvine have applied for permission for the deletion of part of Conditions 14(b) of Planning Permission in Principle 12/00475/PPPM requiring the opening up of the Red Burn culvert at Ayrshire Central Hospital, Kilwinning Road, Irvine.

The Senior Manager (Planning, Transportation and Regeneration) advised the Committee that, since the committee papers were produced, the Local Development Plan has been adopted and that this should be noted in terms of any reference to policies within the Development Plan.

The Committee agreed to grant the application.

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

NHS Ayrshire and Arran, Ayrshire Central Hospital, Kilwinning Road, Irvine have applied for planning permission for the erection of North Ayrshire Community Hospital with support accommodation, including associated access, parking, landscaping and other works at Ayrshire Central Hospital, Kilwinning Road, Irvine. One representation has been received, as detailed in the report.

The Senior Manager (Planning, Transportation and Regeneration) advised the Committee that, since the committee papers were produced, the Local Development Plan has been adopted and that this should be noted in terms of any reference to policies within the Development Plan.

The Committee was also advised of the following amendments to the report:-

- the addition of the phrase "service vehicles and staff parking" to the end of paragraph 3;
- the amendment of the response to Condition 3, to read "The existing access points.....will still be utilised but for ambulance drop-offs, service vehicles and staff parking";
- the amendment of the response to Condition 8, to read "See response to condition 7"; and
- the amendment to Condition 1 of Appendix 1, to read "That, prior to the commencement of the operation of the development...."

The Committee, having considered the terms of the representation, agreed to grant the application, subject to the following conditions:-

1. That prior to the commencement of the operation 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.

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

M&G Real Estate, City Place House, 55 Basinghall Street, London have applied for planning permission for the 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", at Riverway Retail Park, Irvine.

The Senior Manager (Planning, Transportation and Regeneration) advised the Committee that, since the committee papers were produced, the Local Development Plan has been adopted and that this should be noted in terms of any reference to policies within the Development Plan.

The Committee agreed to grant the application, 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.

3.4 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 and 3) at West Byrehill Industrial Estate, Byrehill Place, Kilwinning.

The Senior Manager (Planning, Transportation and Regeneration) advised the Committee that, since the committee papers were produced, the Local Development Plan has been adopted and that this should be noted in terms of any reference to policies within the Development Plan.

The Committee was also advised of (a) an amendment to the recommendation of the report, to delete parts (ii) and (iii) of the recommendation; and (b) a request by the applicant to extend the period covered by any planning permission beyond the three years recommended.

The Committee agreed (a) to grant the application, subject to (1) 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; and (ii) for the provision of affordable housing; and (2) 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 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 of North Ayrshire Council as Planning Authority.

and (b) not to accede to the applicant's request that the period covered by the planning permission be extended beyond the three years recommended.

4. North Coast and Cumbraes

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

SP Energy Networks, Ochil House, 10 Technology Avenue, Hamilton International Technology Park, Blantyre, have applied for planning permission in principle for the 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, on a site to the south east of Hunterston B Power Station, West Kilbride.

The Senior Manager (Planning, Transportation and Regeneration) advised the Committee that, since the committee papers were produced, the Local Development Plan has been adopted and that this should be noted in terms of any reference to policies within the Development Plan.

The Committee agreed, Councillor Barr dissenting, to grant the application, 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 meeting ended at 2.40 p.m.