

Cunninghame House,
Irvine.

17 August 2017

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 23 AUGUST 2017** 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 (Page 5)

The accuracy of the Minutes of meetings of the Committee held on 14 June 2017 and will be confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973 (copy enclosed).

3. North Coast and Cumbraes

Submit reports on the following application:

17/00034/PPM: Hunterston Construction Yard, Fairlie (Page 17)

Variation of planning condition No. 1 of a Planning Permission (ref. 14/00164/PPM) to extend the operational time period of the National Offshore Wind Turbine Testing Facility until 14th October 2019 (copy enclosed).

4. Three Towns

Submit report on the following application:

14/00593/PPPM: Site to West of First Avenue, Stevenston Industrial Estate (Page 45)

Planning Permission in Principle for residential development (copy enclosed).

5. Garnock Valley

Submit report on the following application:

17/00681/PP: Derrilin View, Gateside, Beith (Page 61)

Formation of new vehicular access onto B777, closure of existing access and deletion of condition 1 (b) of planning permission in principle ref. 08/00473/PPP (copy enclosed).

6. Irvine

Submit report on the following application:

17/00581/PPM: Site 21 Crompton Way , North Newmoor Industrial Estate, Irvine (Page 69)

Erection of residential development comprising of 93 dwellinghouses with associated roads, paths, open space and landscaping (copy enclosed).

7. Kilwinning

Submit report on the following application:

17/00530/PP: Site to north of Corsehillhead Farm, Kilwinning (Page 85)

Delete condition 1 of planning permission ref. 16/01162/PPM to enable the removal of a tree/hedgerow belt on the south western boundary of the site (copy enclosed).

8. Urgent Items

Any other items which the Chair considers to be urgent.

Planning Committee

Sederunt: Tom Marshall (Chair)
Timothy Billings (Vice-Chair)
Robert Barr
Ian Clarkson
Robert Foster
Christina Larsen
Shaun Macaulay
Ellen McMaster
Ronnie McNicol
Donald Reid

Chair:

Attending:

Apologies:

Meeting Ended:

Planning Committee
14 June 2017

Irvine, 14 June 2017 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Christina Larsen, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Planning), Paul Brennan, Specialist Environmental Health Officer (Noise), (Economy and Communities); A. Craig, Team Manager (Litigation) (Legal Services), A. Little, Committee Services Officer (Chief Executive's).

Also In Attendance

Rita Holmes (Chair - Fairlie Community Council), Melvin Grosvenor and Dr. J Yelland (Fairlie Community Council), Ronald Gilchrist (Fairlie resident), Susan Crosthwaite (windsofchange), Denise Dunn and Pat Spence (local residents), Dr J Tomlison, Interim Director of Public Health and Hazel Henderson, Consultant in Public Health (Ayrshire and Arran Primary Care Trust), Mr Davidson (Arcus Consultancy Services Ltd), Mr Jackson (Spectrum Acoustics), and Mr McDougall, (SSE Generation Limited).

Chair

Councillor Marshall in the Chair.

1. Declarations of Interest

In terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors, Councillor Billings, as a local hotelier, declared an interest in Item 3 (N/17/00148/PP Kilmichael Country House Hotel, Brodick) and left the meeting for that item of business.

2.1 17/00034/PPM: Hunterston Construction Yard, Fairlie

SSE Generation Limited have applied for the variation of planning condition No. 1 of a Planning Permission (ref. 14/00164/PPM) to extend the operational time period of the National Offshore Wind Turbine Testing Facility until 14 October 2019.

On 14 February 2012, the Planning Committee granted conditional planning permission (ref.11/00679/PPM) for a test facility for up to three off-shore wind turbines with a maximum blade tip height of 198.5 metres at the Marine Construction Yard, Hunterston. On 23 April 2014, the Planning Committee agreed to a variation of this planning permission to (i) revise the wording of condition 7 to enable assessment of compliance with noise limits and condition 9 to revise the timescale for dealing with complaints about noise nuisance; and (ii) to revise condition 10 to identify measures to reduce turbine noise where agreed levels have been exceeded (ref. 14/00164/PPM).

To date one Siemens and one Mitsubishi wind turbine have been erected. Condition 1 was imposed in order to restrict the overall timescale in which the development could remain on site on the basis of the temporary consent for the test turbines. The applicant's original application proposed a five year time limit from the date of commissioning of the first turbine.

The application was considered at the meeting of the Planning Committee on 8 March 2017. Objectors addressed the Committee and outlined their objections to the application to extend the operational time period of the facility until 14 October 2019. The applicant, the applicant's agent and their acoustic consultant responded to the objectors comments and offered to remeasure background noise and re-evaluate noise limits as part of an upcoming operational noise survey for the Mitsubishi turbine. The Committee agreed to continue the application to a future meeting to allow a further background noise survey to be carried out by the applicant.

The applicant has not been able to carry out the re-measurement of background noise, due to the original noise consultant not being available to conduct the work and a request by Fairlie Community Council to agree the location of measurement apparatus and procedures for monitoring. The applicant has now procured the services of a different consultant.

Fairlie Community Council have now retained a specialist on noise issues, who is assisting the Community Council in the assessment of the submission of any new noise data. The applicant, the Council and Fairlie Community Council have agreed the locations and measurement procedures for the new survey, which is due to begin in June 2017. It is expected that the measurements and assessment of data would take up to 3 months, depending on obtaining the correct data of varying wind speeds and directions.

Dr. J Yelland, Ms Holmes and Mr Grosvenor (Fairlie Community Council), Ms Crosthwaite (windsofchange) and Ms Dunn, Fairlie resident, addressed the Committee in support of the objections.

Dr. Yelland referred to the difference between offshore and onshore wind turbines and that the two offshore turbines at Hunterston generate 7MW, compared to 2-3 MW generated by onshore turbines. SSE measured background noise before the turbines were built and after the smaller 6MW Siemens turbine had been built which showed that the application would exceed noise limits and SSE have commissioned a new background noise survey. Over 50 noise complaints have been made by residents relating to the serious adverse health effects caused by the harmful infrasound that the offshore turbines emit.

Ms Dunn detailed her personal health problems that have arisen since the testing began, including nausea, dizziness and drowsiness, which she believes is caused by the low frequency noise generated from the turbines. She added that these symptoms cease when the turbines stop.

Ms Crosthwaite read a statement from Ms Brody a resident of Cumbrae. Ms Brody has been unwell for over a year with dizziness, nausea, sleeplessness, poor co-ordination, the feeling of collapse and heart palpitations, which she believes are as a result of the low frequency noise produced by the two wind turbines. Her symptoms are greatly reduced, and some disappear, when she is off the island or when the turbines are switched off.

Ms Holmes referenced statements made by the applicant relating to future investment for the establishment of manufacturing facilities in Scotland. No manufacturing facility has been established at Hunterston or anywhere else in Scotland, with no significant or sustainable energy related manufacturing employment in North Ayrshire or Scotland. Concerns were raised between the levels of low frequency noise which are emitted from the Mitsubishi turbine and the links to adverse impacts on the health of local residents. Further concerns were expressed about the fact that the turbines sited at Hunterston are designed to sit off shore and are three times larger and more powerful than turbines designed to be situated close to residential areas. Finally, Ms Holmes stated that the original planning permission was for a temporary period of five years and allowed for the testing of three turbines, which would be moved off-site as quickly as possible.

Mr Davidson, Arcus Consultancy Services Ltd, Mr Jackson, Spectrum Acoustics, and Mr McDougall, SSE Generation Limited, then addressed the Committee in response to the objectors.

Mr Davidson provided an overview of the development and explained that the extension of the operational period was required to allow complete testing of the existing turbines. There would be no physical changes to the approved development as outlined and an updated Environmental Impact Assessment had been provided with the application. He outlined the socio-economic benefits, such as £4.1m for the local economy, support for 55 jobs and local suppliers, the provision of training on site with over 60 technicians trained to date, links for North Ayrshire College and Largs Academy and funds of £238,000 that have been provided to 102 local community projects. An independent consultant has commenced an operational noise survey for the purpose of verifying compliance with planning consent conditions. A procedure for the survey has been agreed with Environmental Health and discussed with Fairlie Community Council and the Independent Noise Working Group (INWG). Details of the low frequency noise investigations and measurements undertaken by Environmental Health have been included in the report to Committee

Members asked questions of the applicant and were provided with further information in relation to:-

- planning permission for a maximum of three off-shore turbines but that the third turbine had not been taken forward;
- other sites in Scotland where testing of similar turbines is undertaken;
- the provision of training at the site and links with the College that will continue for a further 2 years;

- compliance with planning conditions in respect of the noise levels generated by the turbines and that these will be revised following the completion of the new noise survey;
- lessons learned from the testing at Hunterston that will inform future development and the requirement to complete the testing;
- the socio-economic benefit information that had been provided by an independent source.

Members asked questions of the objectors and were provided with further information in relation to anecdotal evidence of people suffering similar health issues at the other sites in Scotland

Members asked questions of the Public Health representatives and were provided with further information in relation to:-

- two further independent opinions that were sought (outwith the public health department), including the independent Advisory Group on Non-Ionizing Radiation (AGNIR), who reported that there is no consistent evidence of any psychological or behavioural effects of acute exposure to infrasound in humans;
- some evidence that a small percentage of the population may be more sensitive to infrasound and exposure can cause annoyance in some of these individuals;
- analysis of 8 years of general practice data for the local area that did not show increases in the number of people reporting symptoms of dizziness to their GP; and
- correspondence with Fairlie Community Council since October 2016 to reassure residents regarding the lack of a causal link between turbines and ill health, and requesting that people with ongoing ill health see their GP as there may be another underlying cause of their ill health. This assessment of risk to public health was shared with the local press on three occasions during the last year, in response to several press enquiries.

At the request of the Chair, Dr Yelland provided an overview of infrasound, which is sound that is lower in frequency than 20 Hz (the normal limit of human hearing). The blade path frequency and amplitude modulation are contributing factors to the generation of local frequency noise. This noise can resonate in body cavities and has been linked to health issues.

At the request of the Chair, Mr Jackson was asked for comments on Dr Yelland's views on infrasound and he confirmed that he broadly agreed with his comments on what infrasound was.

The Senior Manager (Planning) informed the Committee of further objections to the application from local Councillors Murdoch, Hill and Gallagher and Cumbræ Community Council. He then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- national guides which set the limit for noise levels; and
- the timescale for completion of the noise survey that would be dependent on a range of factors such as wind speeds and the operation of the turbines.

Councillor McNicol, seconded by Councillor Clarkson moved to continue the application to a future meeting to allow the noise survey to be carried out by the applicant.

Councillor Barr, seconded by Councillor Marshall, moved to refuse the application.

On a division, there voted for the amendment 3 and for the motion 7 and the motion was declared carried.

Accordingly, the Committee agreed to continue the application to the meeting on 20 September 2017 to allow a further background noise survey to be carried out by the applicant.

The Committee adjourned for a short comfort break at 3.25 p.m., reconvening at 3.35 p.m. with the same Elected Members present.

2.2 17/00100/MS: Site To North West Of Chapelton Mains, Seamill

Hope Homes (Scotland) Ltd have applied for approval of matters specified in the conditions 1-9 of Planning Consent N/16/00561/PPM and submission of detailed housing proposals for Phase 1 of development at the site to the north west of Chapelton Mains, Seamill. Seven letters of objection were received and detailed in the report.

The Committee agreed to grant the application subject to the following conditions:-

1. That prior to the commencement of Phase 1 the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details regarding the proposed drainage of surface water, routing of drainage into the Firth of Clyde, details of proposed connections to the public sewerage system and details regarding the proposed treatment of contamination or pollution contained with surface water prior to its discharge into the Firth of Clyde. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:

- (i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;
 - (ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;
 - (iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;
 - (iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. Prior to the commencement of development details regarding the design of the proposed footpaths, street lighting and the access onto the A78 shall be submitted for the written approval of North Ayrshire Council as Planning Authority. For the avoidance of doubt the proposed access shall join the trunk road at a new junction which shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland). This design shall comply with required design standards, as set out in the Department for Transport Advice Notes TD 9/93(Highway Link Design) and TD 42/95 (Geometric Design of Major/Minor Priority Junctions), considering the design speed of the A78 trunk road in the vicinity of the new junction. The access shall be completed in accordance with the approved details prior to the occupation of the first dwellinghouse.
4. That prior to the occupation of the first dwellinghouse the developer shall provide for the written approval of North Ayrshire Council as Planning Authority, details of the draft design and layout of the affordable housing units, as agreed with the North Ayrshire Council Housing Department, a timetable for submission of relevant planning applications and dates for completion. For the avoidance of doubt the affordable housing units shall be delivered no later than 31 March 2020, unless otherwise agreed in writing.

3. 17/00148/PP: Kilmichael Country House Hotel, Brodick

Mr Geoffrey Botterill, Kilmichael Country House Hotel, Brodick, Isle Of Arran has applied for a change of use to residential buildings to be changed include a hotel, self catering apartments and removal of condition 7 to allow Cottages 1, 3 and 4 to be permanent dwellinghouses at Kilmichael Country House Hotel, Brodick. One representation was received and was detailed in the report.

The Committee agreed to grant the application.

4. 17/00389/PPPM: Site to the east of 7-9 Beith Road, Glengarnock, Beith

Hallam Land Management Ltd., Suite A, 39 Cadogan Street, Glasgow has applied for the renewal of planning permission in principle N/13/00501/PPPM for the erection of a residential development at the site to the east of 7-9 Beith Road, Glengarnock, Beith. No representations were received.

The Committee agreed to (a) issue a direction under section 59(5)(a) of the Town and Country Planning (Scotland) Act 1997, as amended, to substitute the 3 year period for making an application for requisite approval to 5 years, and (b) to grant subject to the following conditions: -

1. 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 underbuilding 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. 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.
3. 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.
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 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.

5. 17/00378/ALO: Site to south east of Pet Crematorium, Murdoch Place, Irvine

Irvine Energy Recovery Ltd, 25 Farringdon Street, London have applied for a discharge of section 75 obligation relating to unimplemented and expired planning permission 07/00072/PP in respect of the site to the south east of the Pet Crematorium, Murdoch Place, Irvine.

The Committee agreed to (i) discharge the Section 75 Obligation and (ii) refer the decision to Legal Services to conclude the process as per Appendix 1 to the report.

6. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: Site to South of 56 Boglemart Street, Stevenston

Submit report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for storage and the removal of the storage container sited upon it at Site to South of 56 Boglemart Street, Stevenston.

The site is situated within an area predominantly residential in character and is sited and to the rear of existing residential properties. The site shares an access from Boglemart Street (the B780) with the residential properties. It is considered that a storage use of the land is inappropriate for the location and would have the potential for adverse impacts on residential amenity. The storage container is out of character with the area, and harms the visual amenity of the area. The owner of the land had been contacted and requested to remove the container but an inspection of the property on 17 May 2017 revealed the container remained in situ.

The Committee agreed, in the interest of the visual and residential amenity of the area and potential impacts on access and the classified road, to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the cessation of the use of the land for storage and removal of the container sited on the land.

7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 148 Main Street, Largs

Submit report by the Executive Director (Economy and Communities) seeking authority to serve a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring the removal of a flagpole from the front elevation of a property at first floor level, 148 Main Street, Largs.

The owners of the flatted properties on the first and second floor have been advised that the flagpole is unauthorised and were requested to make an application or alternatively remove the flagpole. To date an application has not been made and the flagpole remains in situ. The owners have been advised that the Council is considering the issue of a formal enforcement notice and have not responded to take responsibility for the flagpole. It is considered that the flagpole harms the visual amenity of the area by way of its high level siting, its prominence in the streetscene and its incongruous appearance on the host building. The flagpole is therefore held to be contrary to criterion (a) Siting, Design and External Appearance of the General Policy of the LDP.

Councillor McMaster, seconded by Councillor Reid, moved to approve the service of the Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the flagpole from first floor level of the building.

As an amendment, Councillor Barr, seconded by Councillor McNicol, moved to take no further action.

On a division, there voted for the amendment 4 and the motion 6 and the motion was declared carried.

Accordingly, the Committee agreed to approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require the removal of the flagpole from first floor level of the building.

8. Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Aberdeen Asset Management Ladies Scottish Open

Submit report by the Executive Director (Economy and Communities) which provided information on an application from the organiser of the Aberdeen Asset Management Ladies Scottish Open Championship to be held at Dundonald Links between 27 - 30 July 2017, set out in Appendix 1 to the report. The Section 11 Exemption Order would exempt the Dundonald Links golf course from the access rights between 26 and 30 July 2017, and enable a charge to be made for admission and provide for public safety and security prior to, during and after the event. Appendix 2 to the report illustrated the area which the exclusion of access rights would apply.

The Committee agreed to (a) approve a Section 11 Exemption Order for the event; and b) the issue of a public notice confirming the Order.

9. Enforcement Charter: Town and Country Planning (Scotland) Act 1997, as Amended by the Planning Etc. (Scotland) Act 2006

Submitted report by Executive Director (Economy and Communities) on the Council's Planning Enforcement Charter, which requires to be reviewed and republished by the Council every two years, under the terms of Section 158A of the Town and Country Planning (Scotland) Act 1997, as amended.

The Council approved and adopted the existing Planning Enforcement Charter in 2007. The Charter has been revised since first adopted to incorporate a number of updates and additions in respect of advertisement and treework controls. The Charter takes account of Scottish Government guidance on the form and content of Enforcement Charters. The main changes from 2015 are the updating of links to the Council's website and contact details. Appendix 1 to the report contained the proposed Charter.

The Committee agreed to adopt the Enforcement Charter as outlined in Appendix 1 to the report.

10. Urgent Item

10.1 N/17/00478/PPM: Site to the South West of Glengarnock Technology Centre, Lochshore Industrial Estate, Glengarnock

J & D Pierce Contracts Ltd, Glengarnock Technology Centre, Caledonian Road, Glengarnock has applied for planning permission for the erection of two freestanding industrial units and extension to Class 5 production facilities with associated ancillary uses, parking, landscaping and miscellaneous infrastructure work at the site to the south west of Glengarnock Technology Centre, Lochshore Industrial Estate, Glengarnock. One representation was received and detailed in the report.

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

1. That the rated noise levels (as defined in BS 4142:2014) from the production facility hereby approved, taken with the noise levels generated by the existing facility, shall not exceed the existing background noise level by 5dB(A) or more at the curtilage of nearby noise sensitive premises.
2. That prior to the commencement of the development, hereby approved, details of a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015), shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

3. 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. 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.
5. 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.

The meeting ended at 4.15 p.m.

NORTH AYRSHIRE COUNCIL

Agenda Item 3

Planning Committee

23 August 2017Locality **North Coast and Cumbraes**Reference **17/00034/PPM**Application **17 January 2017**

Registered

Decision Due **17 May 2017**Ward **Dalry and West Kilbride**

Recommendation Adopt the opinion that planning permission should be granted subject to the conditions contained in Appendix 1.

Location Hunterston Construction Yard
Fairlie
Largs

Applicant SSE Generation Limited

Proposal Variation of planning condition No. 1 of a Planning Permission (ref. 14/00164/PPM) to extend the operational time period of the National Offshore Wind Turbine Testing Facility until 14th October 2019

1. Introduction

At the meeting on the 14th June 2017, the Planning Committee agreed to continue consideration of this application to the meeting on 20 September 2017, to allow a further background noise survey to be completed by the applicants. This survey is ongoing, however in the intervening period, the applicants submitted an appeal to the Scottish Ministers against the non-determination of the application by the Council. Whilst an extension of time to determine the application was agreed with the applicants until 14 June 2017, a further extension of time was not agreed by the applicants following the June Committee. The applicants are entitled to appeal under Section 47(2) of the Town and Country Planning (Scotland) Act 1997, after a period of four months has lapsed since the application was registered. The application was registered on the 17th January 2017.

The effect of the submission of an appeal, is that the Council can no longer determine the application. However, as part of the appeal process, the Council should form an opinion on the merits of the case, to form the basis of the Council's evidence to be presented to the Scottish Ministers. This report sets out the details of the application, however the recommendation now represents the Committee's opinion on the merits of the proposed development rather than the determination of the application.

2. Description

On 14 February 2012, the Planning Committee granted conditional planning permission (ref.11/00679/PPM) for a test facility for up to three off-shore wind turbines with a maximum blade tip height of 198.5 metres at the Marine Construction Yard, Hunterston. On 23 April 2014, the Planning Committee agreed to a variation of this planning permission to i) revise the wording of condition 7 to enable assessment of compliance with noise limits and condition 9 to revise the timescale for dealing with complaints about noise nuisance; and ii) to revise condition 10 to identify measures to reduce turbine noise where agreed levels have been exceeded (ref. 14/00164/PPM).

To date one Siemens and one Mitsubishi wind turbine have been erected. Condition 1 was imposed in order to restrict the overall timescale in which the development could remain on site on the basis of the temporary consent for the test turbines. The applicants original application proposed a 5 year time limit from the date of commissioning of the first turbine. Condition 1 states:

'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 14th 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.'

The first generation from a turbine was made on 1st March 2014. The applicant proposes to vary Condition 1 to extend the operational time period of the National Offshore Wind Turbine Testing Facility (NOWTTF) until 14th October 2019 to allow continued testing of the Siemens wind turbine and testing of the Mitsubishi turbine.

Whilst the original application proposed no change to existing conditions it is now proposed that Condition 8 be amended to state:

'That during daytime hours, defined in ETSU-R-97 as 0700 to 2300 on all days 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 "11.4: Quiet Daytime Prevailing Background Noise Levels" 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 11.4 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.'

A new planning condition is also now proposed and would state:

"That the operator shall employ a suitably qualified acoustic consultant or other competent person to conduct and submit a Background Noise Survey within 6 months of approval, and no later than 15th December 2017. The measurement and calculation of background noise levels shall be undertaken in accordance with ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms" and IOA "A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise" including the type, classification and calibration of the measuring equipment, the location of the microphones, 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. In the event that the Background Noise Level is found to be different to the Background Noise Survey referenced in "Hunterston National Off Shore Wind Turbine Test Facility Volume 1: Environmental Statement"), the most recent levels shall be recorded as the background noise level referred to in Condition 7 and 8."

In support of the application the applicant has provided the following reports:

Environmental Statement Update and appendix

An update of the original Environmental Statement (dated 2011), where i) there has been or likely to be an increase in the magnitude of impact as a result of the time extension of the development; ii) the baseline conditions are greater than the original assessment; and/or, iii) elements of the proposal could introduce new impacts.

The applicants Non-Technical Summary summarises the key points from the ES update and confirms that any changes to the original Environmental Statements baseline conditions would be minor with no changes to the assessment. Both documents also provide a summary on particular topics such as Planning Policy, Landscape and Visual effects, Ecology, Ornithology, Ground Conditions, Heritage, Transport, Noise, Social Economics and other issues.

Economic Appraisal

The Economic Appraisal summarises the economic benefit derived from the NOWTTF, through the development and construction phase and ongoing operations, maintenance and training phases. The report highlights that the test turbines have become a key economic asset for the Scottish offshore wind energy sector. It states that the turbine manufacturers have also benefitted from an increased operational understanding of the maintenance requirements and performance issues of the turbines, which should lead to longer term cost reductions for the production of offshore wind energy.

The report indicates that the NOWTTF has contributed to the local and national economies through its development and operation. The impact in the construction and professional services sector from the initial £21.0 million investment in development and construction supported 19 job years and £2.6 million Gross Value Added (GVA) in North Ayrshire, and 75 job years and £9.2 million GVA in Scotland. The site has secured the employment of 55 employees of the core partners in Scotland whose jobs are dependent on the NOWTTF.

The report also states that the NOWTTF also has an impact on the companies in the local area that are able to supply goods and services to ensure the operation of the site as part of its £1.7 million annual operational spend. A map of those operational suppliers is provided within the body of the report.

Planning Statement

The Statement assesses the key planning considerations arising from the application, its need and benefits, and compliance with the Development Plan and relevant material considerations. The statement focuses on the economic benefits of the proposal to date and potential benefits for the future as provided within the above noted Economic Appraisal.

The statement indicates that the NOWTTF retains a strong need to continue to operate from the site. The continuation of the testing of offshore wind turbines is vital to support and enable the offshore wind industry to develop. The current Siemens turbine on the site is on test for usage on the 588 MW Beatrice Offshore Farm in the Moray Firth, which is due to commence construction in 2017, and has influenced DONG Energy to purchase this turbine for the 1.2 GW Hornsea offshore wind farm in the North Sea. It states that there is an imperative need for this testing to continue to ensure that the offshore wind energy industry continues to develop.

The continued testing of the Mitsubishi turbine and further investment on the site will also enable further understanding of offshore wind turbines, to enable turbine designs to be refined and developed, and for the training opportunities. The statement indicates that the importance of the NOWTTF nationally is likely to last well beyond the proposed extension of the operational time period for a further two years. The extension of the operational period would allow the applicant to develop further options for the site, which may also include energy storage and new forms of technologies that will further support the Scottish energy industry, and the local and national economies. The NOWTTF is of national importance, which should weigh heavily in favour of the development.

The statement concludes with an assessment of the development against the Local Development Plan, Scottish Planning Policy, NPF3 and other energy policies.

Statement of Community Consultation

The statement provides a summary of consultation meetings that the applicant has undertaken prior to the submission of the application. Whilst not a statutory requirement the applicant is aware of the benefits of ongoing consultation with communities to draw out and address potential issues. The statement indicates that the following meetings were undertaken:

- Hunterston Liaison Group - 8th November 2016;
- Fairlie Community Council - 5th December 2016;
- West Kilbride Community Council - 9th December 2016
- Cumbrae Community Council - 12th December 2016; and
- Largs Community Council - 15th December 2016.

The statement summarises the issues raised through each consultation meeting and how these have been addressed. Following the neighbour notification process the applicant provided a statement responding to particular points raised by representees. The purpose of the document was to provide clarity on any concerns raised.

Within the North Ayrshire Local Development Plan the site is located within an industrial area where Policies IND1 (Strategic Business Locations) and IND2 (Hunterston: Development in the National Interest) specifically apply. Policies ENV 8 (Coastal Zone), ENV 9 (Nature Conservation), PI 9 (Renewable Energy), HE2 (Listed Buildings). All development proposals require to be assessed against the relevant criteria of the General Policy of the LDP.

On 14 June 2017 Committee were informed that the applicant had not been able to carry out the re-measurement of background noise, due to the original noise consultant not being available to conduct the work and a request by Fairlie Community Council to agree the location of measurement apparatus and procedures for monitoring.

Since the last meeting of the Planning Committee, Fairlie Community Council continues to retain a specialist on noise issues, who is assisting the Community Council in the assessment of the submission of any new noise data. The applicant, the Council and Fairlie Community Council have agreed the locations and measurement procedures for the new survey. The equipment is now installed and the background noise survey is now ongoing. It is expected that the measurements and assessment of data would take up to 3 months, depending on obtaining the correct data of varying wind speeds and directions.

In light of the above and to permit further consideration of the application by Committee, it was considered that an appropriately worded planning condition to reflect the changed circumstances in terms of background noise, would permit the continued use of the site, whilst a re-measurement of background noise was carried out (see Condition No. 21). It was also proposed to amend Condition No. 8 to address concerns of measurement of daytime hours, which has been raised by Fairlie Community Council and their retained specialist on noise issues.

It should be noted that Condition No. 6 in its current form offers protection to residents in that the noise from turbines is to be measured following receipt of a valid complaint. Environmental Health could consider taking action if the noise from the turbines at any point in time was causing a statutory nuisance. Condition 6 though does not specifically state that further background monitoring requires to be undertaken, therefore the new planning condition (No. 21) would address this matter and had been agreed by the applicant.

Following the meeting of the Planning Committee in March, Environmental Health has received complaints from residents of Fairlie and one resident of Largs regarding the operation of the turbines.

Concern has been expressed in relation to:

1. Adverse health effects from infrasound (sound outwith the audible spectrum, below 20 Hertz) being emitted by the Mitsubishi turbine; and
2. Low frequency noise from the operation of the turbines.

Response: With respect to infrasound, those persons who have expressed concern to North Ayrshire Council (3 residents in close proximity to one another in Fairlie), in relation to adverse health, have been directed to their GP and to NHS Ayrshire & Arran as the authoritative organisation to investigate such health concerns. NHS Ayrshire & Arran has undertaken an independent investigation into the allegations of adverse health as a result of the operation of the Mitsubishi turbine. The results of the investigation were notified to Fairlie Community Council in correspondence dated 19 October 2016 which confirms that scientific evidence does not support a causal link between wind turbines and ill health. However NHS Ayrshire and Arran analysed general practice data from 2009 to 2016 to ascertain whether there was an increase in reporting of dizziness since the wind turbines began operating. The data, both for Fairlie and for other areas close to the turbines, does not show any increase in the number of people reporting symptoms of dizziness to their GP, following the installation of the first wind turbine at Hunterston. The numbers have been relatively consistent year-on-year. The investigation concludes that there is no convincing evidence that the reported symptoms of dizziness and/or nausea in the Fairlie Community are caused by the Hunterston turbines.

With regard to low frequency noise the applicant engaged the services of a Noise Consultant to undertake low frequency noise monitoring at one of the complainant's property for 36 days between 20 October- 28 November 2016. Environmental Health was consulted and agreed the methodology to be adopted. This monitoring was to assess for low frequency noise in the range 12.5 to 160 Hertz, which would take into account audible and inaudible frequencies. The results did not provide evidence to support the allegation of excessive low frequency noise being emitted from the Mitsubishi turbine. The results were scrutinised and accepted by Environmental Health.

In addition, Environmental Health has undertaken independent monitoring in relation to noise from the turbines and concludes as follows:

- 1. There is no evidence of the existence of a statutory nuisance during numerous visits to varying receptors;*
- 2. The results obtained by Environmental Health are similar to those documented in the Spectrum Acoustic Consultant's report "NOWTTF-Low frequency sound measurements, dated 22 December 2016" and are compliant with relevant guidance.*

Environmental Health state that there remains safeguards in place for local residents as the noise from the turbines would require to meet noise levels detailed in the previous planning consent. Environmental Health would respond to complaints to ensure the noise does not create a statutory nuisance.

In addition, the carrying out of a new background survey would ensure that permitted noise levels from the operation of the turbines are appropriate taking into account prevailing noise levels in the Fairlie area. Environmental Health do not object to the revision of condition 8 and the provision of a new condition requiring the applicant to undertake a new background noise survey.

Finally it is noted that on 10th May 2017 the Scottish Government announced £43 million in grants to 13 low carbon infrastructure projects via the Low Carbon Infrastructure Transition Programme (LCITP), a programme aimed at targeting proven technologies, with a focus on low carbon and/or renewable electricity and heat generation solutions for Scotland, that will contribute to the wider ambitions of the Government to tackle Climate Change. The Hunterston Energy Storage Project which proposes the deployment of a wind-integrated Li-ion battery energy storage system (BESS), at the Hunterston National Offshore Wind Turbine Test Facility, was awarded £1.2m from the fund.

3. Consultations and Representations

The application has been subject to the standard neighbour notification procedures and was advertised in the local press on the 25 January 2017. Nine letters of objection, two comments and six letters of support were received. The following concerns can be summarised as follows.

1. The original 2004 Public Inquiry in Fairlie clearly states that the Hunterston Peninsula is not a suitable location for wind turbines. The 2012 Planning Consent was granted on a temporary 5 year basis. The developer proposes a more permanent test turbine facility on the site.

Response: Planning application 03/00076/PP for 13 wind turbines at the marine construction yard and adjoining land was refused on appeal. The turbines were 111m in height. On 14 February 2012, the Planning Committee agreed to grant conditional planning permission (ref.11/00679/PPM) for a test facility for up to three off-shore wind turbines with a maximum blade tip height of 198.5 metres at the Marine Construction Yard, Hunterston. This application proposes a time extension of 2 years to complete the testing of the existing turbines on site. Whilst the applicant does make reference to potential future development at the site, these matters are not material to this application.

2. The development is contrary to the North Ayrshire Supplementary Landscape Wind Capacity Study of June 2013. The site is very visible from all aspects of the Clyde. As such there is a significant loss of visual amenity affecting the mainland from Skelmorlie to Fairlie; To the Isle of Cumbrae; and to anyone enjoying offshore leisure activity in the area. The application is not in keeping with the local plan.

Response: The original and updated Environmental Statements (ES) assess that significant effects would be experienced in four of the 26 landscape character areas and one of the seascape areas. The turbines would be visible from some distance from the site - the ES assesses a significant impact to occur within 9km. Given however the ongoing temporary nature and extended duration of the development by 2 years, it is not considered that the development would have a significant adverse impact on tourism.

3. The current stand alone planning application is submitted without an accompanying Environmental Impact Assessment (EIA) and Environmental Statement (ES). Since the original test facility was consented there has been a great deal of new scientific and medical evidence and understanding of the dangers to human health that large wind turbines present. It is not possible for North Ayrshire Council's Planning Committee to properly consider this application without a fully up to date EIA/ES. The site is close to an outstanding wildlife area of SSSI and has the potential to impact on resident porpoises and dolphins. Any proposed change to number or height of turbines or diameter of blades will require a new environmental assessment because of variety of wildlife close to the site.

Response: There is not any change to the turbines and the conditions of the original consent can be applied in order to continue the protection of wildlife and the local environment. As an extension of time to the existing development a full EIA or ES was not required.

4. The Mitsubishi Sea Angel turbine has led to numerous complaints of dizziness and nausea from the villagers of Fairlie. The tests make absolutely no attempt to measure the 'amplitude modulation' associated with the infrasound generated by the test turbines. The Noise Survey provided is incorrect. The noise levels of existing turbines have been of concern to many in the local community. The existence of powerful vortices downwind of such huge windmills is documented and could reconcentrate the low level radioactive emissions from the neighbouring nuclear reactor and nuclear waste fuel rod storage area. Any change in height or diameter should require a new sound and environmental assessment.

Response: Noted. The applicant stated that there is not any substantive evidence that turbines have long term health or medical impacts. Environmental Health has not objected to the findings of the submitted noise survey. The conditions of the previous consent can be applied.

5. Statements from the developer that the NOWTTF site would lead to local employment opportunity are unfounded. Any employment spin-off occurs elsewhere. A proposal for a training site is a red herring.

Response: The applicant has provided an independent economic appraisal which states the extend of social economic benefits both locally and nationally. This appraisal refers to benefits for companies within North Ayrshire. A training centre is not being considered as part of this application.

6. Consent was originally granted for 5 years. The Council should stand by their original condition and refuse this application.

Response: Noted. Refer to Analysis regarding justification for further time extension.

7. The developer has stated that the Hunterston wind turbines are approximately 2.5 Kilometres from the village of Fairlie. This is not correct and is highly misleading.

Response: Noted. The applicant's location plan highlights the location of the existing turbines and neighbouring settlements.

Those comments in support of the proposal can be summarised as follows:

1. Renewable energy developments are extremely valuable in order to help the UK meet its climate change targets.

Response: Noted.

2. A company, based in Irvine, relies on windfarm development which has brought employment and local supply chain benefits. This development supports local jobs and the local economy. Keeping the site open at Hunterston sends a clear message that North Ayrshire is open for business. The site at Hunterston Construction Yard offers a location that is among the best in Scotland for lidar testing activities. The exposure of the site suggests a suitable wind climate. It is sufficiently close to equipment depots and company offices in Glasgow. The continued use of Hunterston Construction Yard brings direct economic benefits to the wind industry sector and promotion of job creation for wind energy services, and research and development activities within Scotland.

Response: Noted. The applicant has provided an Economic Appraisal which summarises the economic benefit derived from the NOWTTF to date through the development and construction phase and through ongoing operations, maintenance and training phases. The report highlights that the test turbines have become a key economic asset for the Scottish offshore wind energy sector.

3. The proposal is in line with Clydeport's overall aim for the continued use of the site. The development complies with the Local Development Plan policy outlined in Policy IND 2. The site is identified in the N-RIP programme at National Level as a site of importance. It is also to be noted employment levels at Hunterston have been affected by the reduction in the supply of coal to power stations in Scotland, a loss of 90 jobs, which further necessitates the need to maximise the options at Hunterston's Construction Yard for new sources of use and employment.

Response: Noted.

4. Ayrshire College advises that there has been initial discussion around partnership working on the site and the potential benefits within Ayrshire. The discussions involve the College's current City and Guilds Wind Turbine Technician course and students would benefit from regular access to a working turbine site providing valuable skills and experience not available elsewhere, which would benefit potentially 530 students currently studying across the 3 main campuses.

Response: Noted. The applicant has provided an Economic Appraisal which summarises the economic benefit derived from the NOWTTF to date through the development and construction phase and through ongoing operations, maintenance and training phases.

Environmental Health - No objections.

Response: Noted

Fairlie Community Council - Fairlie Community Council formally objects on the following grounds:

1. Public Inquiry Outcome 2004. The Reporter presiding over the original 2004 Fairlie Public Inquiry clearly concluded that the Hunterston peninsula is not a suitable location for wind turbines on environmental grounds.
2. Clear five year temporary planning permission granted in 2012. The 2012 Planning Consent for the Hunterston NOWTTF site recognises that the development breaches numerous planning regulations on the environmental front, but justified it on the basis that it would be a strictly temporary facility that would only be in place for a five year period. The current planning application seeks to extend that five years by a further two years but, by the developer's own admission, these two years would also be used to justify a planning application to convert this into a permanent facility.
3. Unsuitability of location in regard to visual impacts and impacts on tourism. the proposal is contrary to the North Ayrshire Supplementary Landscape Wind Capacity Study of June 2013.

4. The current stand alone planning application is submitted without an accompanying Environmental Impact Assessment (EIA) and Environmental Statement (ES). We believe that for North Ayrshire Council's Planning Committee to properly consider this application, SSE should commission a fully up to date EIA and ES.
5. The reliability of recent 'audible noise' test results. FCC question the validity of these test results, especially as justification for the turbines remaining in place. FCC believe that the emissions of the Mitsubishi Sea Angel turbine have led to complaints of dizziness and nausea from the villagers of Fairlie, which cannot be ignored. Similarly, the tests have not measured the 'amplitude modulation' (AM), associated with the infra-sound generated by these test turbines.
6. Growing evidence that wind turbines can adversely affect peoples' health. These wind turbines are not designed for on land operation, and the risks to local residents' health, no matter how poorly researched, have to be taken seriously.
7. Misrepresentation of proximity of Fairlie to the wind turbines. The developer has stated that the Hunterston wind turbines are approximately 2.5 Kilometres from the village of Fairlie. This is not correct and is highly misleading. The nearest human habitation in Fairlie to the nearest turbine is barely 1 Kilometre as the crow flies, as dangerous sound waves do not use the trunk road system.
8. Lack of an economic case to continue the NOWTTF site. FCC question if there has been any local economic benefit since 2012. The community benefit fund spilt between four communities, has not been sufficient to provide any tangible benefit to Fairlie to date.

Response: Noted. The points raised by Fairlie Community Council have been addressed above. The matters regarding community benefit are not material planning considerations.

Largs Community Council - No objection.

Response: Noted

West Kilbride Community Council - No objection. West Kilbride Community Council would point out that the original consent was for 5 years for the construction of a Temporary Offshore Wind Turbine Test Facility. During the erection of the second turbine there was a significant increase in road vehicle movements. There has been concerns raised mainly by Fairlie residents regarding the low frequency noise associated with the second turbine that was erected. There are no proposals to erect a third turbine.

Response: Noted.

4. Analysis

In relation to an application under Section 42 of the Town and Country Planning (Scotland) Act 1997, the Planning Authority shall consider only the question of the conditions subject to which permission should be granted.

The applicant proposes to vary condition No. 1 of a Planning Permission (ref. 14/00164/PPM) in order to extend the operational time period of the National Offshore Wind Turbine Testing Facility (NOWTTF) until 14th October 2019. The main determining issue in this case is whether the proposed time extension would accord with the provisions of the development plan, and whether there are any other material planning considerations, which would not permit the extension of time. In this case, the adopted North Ayrshire Local Development Plan (LDP) is the development plan. The original application was determined against the Ayrshire Joint Structure Plan (AJSP) and the previous North Ayrshire Local Plan (excluding Isle of Arran) (NALP). North Ayrshire Council's current Local Development Plan (LDP) was considered to be a material consideration.

It was considered in 2012 that as the development is fully reversible, the effects would not undermine the primary purpose of the Local Plan. The development would be consistent with one of the principal aims of the Development Plan, namely, the continued economic development of the site at Hunterston, the safeguarding of land for nationally important development requiring deep water facilities and the support of National Renewable Energy Policy. Given the overall conformity with the objectives of NPF2 and the Development Plan, the Council's Economic Development and Regeneration Strategy (EDRS), the uniqueness of the proposal for a national test centre limited to an operational life of five years, the short term and reversible impacts, the potential for downstream manufacturer investment and opportunities for job creation at Hunterston, the Scottish Government's desire to develop Scotland's renewable energy potential to address climate change and the identification of Hunterston as the best location in Scotland for a test centre, the application was recommended for approval.

In consideration of the current proposal to extend the operational time period of the National Offshore Wind Turbine Testing Facility (NOWTTF) until 14th October 2019, the applicant has provided both economic and planning statements which refer primarily to the current social economic benefits derived from the development, and the potential future benefits which may occur should the time extension be granted.

Policy STRAT2 states that the LDP will contribute to the Council's aim of creating new jobs by 2020 by safeguarding key business and industrial sites at Ardeer and Hunterston. At the time of adoption of the LDP Hunterston was highlighted, at national level, as having potential for major employment generating development including wind turbine testing. NPF2 identified Hunterston as a National Development location for a clean coal fired power station, container transshipment hub, maritime construction and decommissioning yard and associated energy and industrial development. It was not site specific but identified the location of the National Development as "adjoining the existing bulk handling terminal and marine construction yard at Hunterston, Ayrshire".

NPF3 replaced NPF2 and is the spatial expression of the Scottish Government's Economic Strategy and of the Government's plans for infrastructure investment. A key ambition of NPF 3 is to achieve at least an 80% reduction in greenhouse gas emissions by 2050. Hunterston is not any longer identified as a national development, but forms part of an area of co-ordinated action to provide energy hubs throughout Scotland. NPF3 states that the low carbon agenda forms a crucial part of the strategy and in regard to Hunterston NPF3 states that it should aim to make sustainable use of its key assets, including its deep water access.

A key driver for the low carbon agenda is the implementation of the National Renewables Infrastructure Plan (N-RIP). N-RIP is a key action identified in the Scottish Government's Renewables Action Plan published in June 2009. The Government's aim is to maximise the sustainable economic growth potential of a Scottish based offshore renewables industry that delivers offshore wind, wave and tidal energy with devices that are "made in Scotland". The objective of the N-RIP is to make sure that appropriate sites are available in the right locations to provide the platform for the growth of the renewables industry.

The existing planning permission for the 3 test turbines concluded that at that time the temporary use of the marine construction yard for this purpose would not conflict with the future development of the site. This consent predated NPF3.

Scottish Planning Policy (SPP) introduced a new presumption in favour of sustainable development. The presumption in favour of sustainable development does not change the statutory status of the development plan. The SPP sets out a series of principles whereby development could be considered to be sustainable. For this application, the most relevant are: giving due weight to net economic benefit; supporting delivery of infrastructure; and, supporting climate change mitigation.

NPF3 states that Planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government spatial strategy to facilitate the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector, which includes terrestrial and marine planning to facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. It further states that renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours identified in the National Renewables Infrastructure Plan.

With respect to the Local Development Plan the proposal requires to be assessed against Policies IND1, IND2, ENV 8, ENV 9, PI 9, HE2 and the General Policy of the LDP. Policy IND1 identifies Hunterston as a Strategic Business Location for nationally important development as identified in Policy IND2. The supporting text does state that the site is the preferred location for the establishment of a Test Centre for off-shore wind turbines and that the development of two new grid links would offer support. However the LDP predates NPF3 where the use of the marine construction yard for testing of off-shore turbines is not listed in the description of development for Hunterston.

Policy IND2 sets out a list of developments that shall accord with the LDP including a wind turbine test centre of national significance, and the criteria against which such developments require to be assessed. In this regard the site has a quayside location, it has the capability of importing/exporting turbines by sea and the applicants have demonstrated that infrastructure can be provided to feed into the national grid. The applicant has failed to demonstrate that the development would complement the development of Hunterston as an integrated manufacturing site for renewables and proposes to extend the ongoing use of the site for a further 2 years. It is therefore considered that the principle of the development would not comply with all of the provisions of Policy IND2 and would therefore fail to meet Policies IND1 or IND2.

With regard to Policy ENV8 the site lies within the Developed Coast where development which requires a coastal location and which would enhance the developed coast shall accord with the LDP. The applicant states that proposal requires a coastal location to closely reflect as far as possible the off-shore environment and would benefit from such a location as it would allow for the delivery and removal of wind turbine components to the site by sea thereby minimising disruption on the road network. While the consented scheme was granted permission on the basis of the temporary and reversible nature of the development this proposal would further extend the visual impact of the development by a further 2 years.

As noted within the original planning application the adverse impact of the proposed turbine on the setting of Hunterston Castle, Hunterston House and views from the Historic Gardens or Designed Landscape at Kelburn Castle, was considered to be temporary and fully reversible. The increase in length of time of operation would continue to have a significant impact on these key historical assets. The proposal would therefore conflict with Policies HE2 (Listed Buildings) and HE5 (Historic Landscapes).

ENV 9 states that proposals for development which would affect national designations such as Sites of Special Scientific Interest shall not accord with the LDP. The site is located in close proximity to Southannan Sands SSSI which comprises a coastal section, subdivided into three discrete areas, which together support one of the best examples of intertidal sandflats habitat on the Clyde coastline. The nearest turbine would be located approximately 40m west of the boundary of the SSSI. The original application was not considered to have a significant impact on the SSSI, and subject to the previous conditions, the temporary nature of the proposal would comply with Policy ENV9.

Policy PI 9 relates to Renewable Energy and requires assessment of the impact of renewable energy against a range of criteria. These are explored below:

In relation to criteria (a) (b) and (c), the proposed scale of the development is significant. The previous LVIA submitted in support of the previous application (ref.11/00679/PPM), found significant effects within 4 of the 26 landscape character areas and one of the seascape areas. The areas in which significant effects were identified were the Raised Beach in which the development would be located and the adjacent Coastal Fringe with Agriculture, Rugged Moorland Hills and Valleys and Rolling Farmland with Estates. Significant effects were predicted on the Sensitive Landscape Character Area of North Ayrshire. Significant effects were not predicted in relation to landscapes of national importance in the study area, Loch Lomond and Trossachs National Park or the Isle of Arran National Scenic Area.

Twelve of the 22 viewpoints provided in the previous LVIA were assessed to be significantly affected in terms of both visual amenity and landscape character. Of these 12 viewpoints, 6 would also be subject to significant cumulative effects when considered in relation to existing and consented turbines in the study area.

Criterion (d) relates to impacts on the natural, built, cultural or historic heritage of the locality and is considered above where it is found that the development would be contrary to Policies HE2 (Listed Buildings) and HE5 (Historic Landscapes). Criterion (f) considers impact on radar and telecommunication systems. The MOD, NATS safeguarding, Glasgow Airport and Prestwick Airport did not raise concerns regarding the original application and as no changes are proposed to the height or location of the existing consented turbines the proposal would comply with criterion (f). Criterion (g) is not directly relevant to this application as the grid connection currently exists for the Consented Scheme.

In considering the LVIA it is considered that the long term effects of the proposal would have a significant impact on a number of landscape character areas and the wider seascape character area. The long term use of the site for turbine testing would not accord with the guidance contained in the approved Landscape Capacity Study and would be unacceptable in terms of landscape and visual appearance, resulting in an unacceptable cumulative visual impact and accordingly result in failure to comply with criteria (a), (b), (c) and (h) of policy PI9. However as the application proposes a time extension of 2 years, it would be considered that the significant visual impacts would be mitigated by the temporary nature of the development.

With respect to the General Policy of the LDP, the relevant criteria in this case are (a) siting, design and external appearance, (b) amenity, (c) landscape character and (d) access, road layout, and parking provision. With regard to siting, design and external appearance, as discussed above, it is considered that the long term use of the site for turbine testing would not be satisfactory within the context of the surrounding landscape as it would result in a significant impact on the wider landscape visible from both land and sea. With regard to amenity the applicant has provided a noise assessment which considers the current operational noise of the development. Following the meeting in March 2017 the applicant has agreed to conducting a revised background noise survey, the results of which would be provided and controlled through a new planning condition. Environmental Health has not raised any objection to the proposal. Concern has been raised regarding infrasound. The applicant has previously stated that there is no evidence of health effects from infrasound or low frequency noise, citing a number of studies undertaken both nationally and internationally, Environmental Health has not raised any concerns on these matters and following the meeting in March 2017 NHS Scotland has provided the results of their investigations into the alleged health effects as a result of this development. No evidence has been found to link the development to the matters being experienced by a small portion of the community.

The applicant also provided a shadow flicker assessment as part of the original planning application (ref. 11/00679/PPM), which did not raise any significant concerns. Subject to the original conditions, the proposal would comply with criteria (b) and would not have a detrimental impact on the amenity of the neighbouring properties.

In relation to (c), the proposal is not considered to comply with this criterion for the reasons given above, however given the limited timeframe of the development, although significant, the impact is not permanent.

In relation to (d), the applicant has indicated within the updated ES statement that no significant changes to the operation of decommission transport are proposed. Again given the temporary nature of the proposal and restrictions placed within the original planning application the development is considered to comply with this criteria.

The original application for the development of the test turbine site 11/00679/PPM highlighted within the Environmental Statement that job opportunities would be created for 10-20 workers during the construction phase with further supply chain gains for the local economy through the establishment of supply chain lines with a represented investment of around £10 million with the potential to generate a range of economic opportunities for local businesses, employment opportunities and local spending.

The applicant's economic statement indicates that the NOWTTF has contributed to the local and national economies through its development and operation. The impact in the construction and professional services sector from the initial £21.0 million investment in development and construction has supported 19 job years and £2.6 million Gross Value Added (GVA) in North Ayrshire, and 75 job years and £9.2 million GVA in Scotland. The site has secured the employment of 55 employees of core partners in Scotland whose jobs are dependent on the NOWTTF. The applicants supporting information also states that the development has an impact on the companies in the local area that are able to supply goods and services to ensure the operation of the site as part of its £1.7 million annual operational spend.

The applicant has indicated that the consented has resulted in the diversification of commercial activities at the development site, without compromising its ability to utilise the deep water facilities for further development. The applicant states that the testing of offshore wind turbines is a crucial stage in developing a reliable supply chain to deliver the programme of development for offshore projects in the UK and since undergoing testing and achieving type certification at Hunterston. The applicant indicates that since undergoing testing and achieving type certification at Hunterston, the 6 MW and 7 MW variants of the Siemens STW turbine have become Europe's market leading offshore wind turbines. Siemens has received 4.5 GW of orders for the 6 MW and 7 MW variants of the turbine in the UK alone, accounting for over 80% of announced UK orders. The applicant indicates that the extra 2 years would allow further testing of the components of the Siemens turbine to assess durability, and allow commissioning and testing of the Mitsubishi turbine.

It is considered that although the current development continues to have a significant impact on the landscape character of the area, and any long term plans for the continuation development would not be supported, the proposed timeframe of 2 years would allow for the ongoing testing of the turbines in line with the 5 years timescale, which was requested in 2012. This decision to extend the timeframe by a further 2 years would not raise any longer term effects on the visual amenity of the area.

It is considered that the applicant has provided sufficient social and economic justification for the proposal however, beyond the proposed 2 years, any long term proposals for retention of the test turbine site would not comply with the wider aspirations of NPF3 or the National Renewables Infrastructure Plan (N-RIP), with regards to the future manufacturing and servicing potential of Hunterston.

It is recommended that the Committee should adopt the opinion that planning permission should be granted subjects to the conditions contained within Appendix 1.

5. Full Recommendation

See Appendix 1

A handwritten signature in black ink, appearing to read 'Karen Yeomans', is positioned above the printed name.

KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
25 July 2017

For further information please contact Ross Middleton, Senior Development Management Officer , on 01294 324379

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00034/PPM

Grant subject to the following conditions:-

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 up until 14th October, 2019 following which 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 daytime hours, defined in ETSU-R-97 as 0700 to 2300 on all days 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 "11.4: Quiet Daytime Prevailing Background Noise Levels" 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 11.4 of the Hunterston National Offshore Wind Turbine Test Facility Volume 1:Environmental Statement", the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

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

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

11. That within the first four weeks following commissioning of each wind turbine, the operator shall employ a suitably qualified acoustic consultant or other competent person to record and measure the level of noise immission from the wind turbines at

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

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

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

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

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

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

17. That prior to the commencement of the development, the applicants shall

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

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

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

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

21. That the operator shall employ a suitably qualified acoustic consultant or other competent person to conduct and submit a Background Noise Survey within 6 months of approval, and no later than 15th December 2017. The measurement and calculation of background noise levels shall be undertaken in accordance with ETSU-R-97 "The Assessment and Rating of Noise from Wind Farms" and IOA "A good practice guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise" including the type, classification and calibration of the measuring equipment, the location of the microphones, 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. In the event that the Background Noise Level is found to be different to the Background Noise Survey referenced in "Hunterston National Off Shore Wind Turbine Test Facility Volume 1: Environmental Statement"), the most recent levels shall be recorded as the background noise level referred to in Condition 7 and 8.

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

1. To restrict the development to the terms of its justification/special need and to meet the requirements of SEPA.
2. In the interest of the amenity of the area.
3. To minimise disruption on the road network.
4. To minimise disruption during peak traffic and to local residents along the road network.

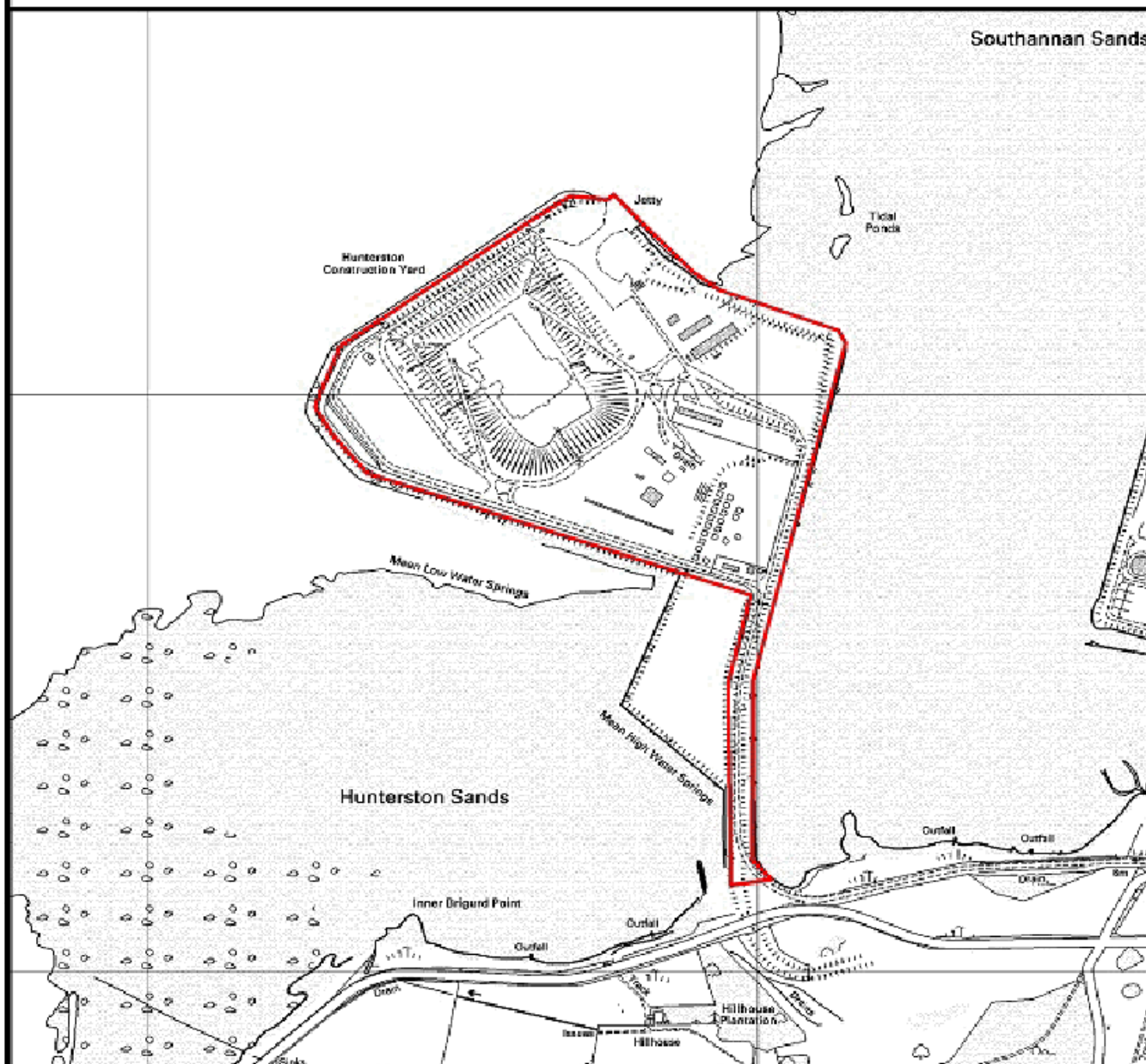
5. To meet the requirements of Scottish Natural Heritage/To meet the requirements of the Scottish Environment Protection Agency.
6. To meet the requirements of Environmental Health.
7. To meet the requirements of Environmental Health.
8. To meet the requirements of Environmental Health.
9. To deal with noise complaints timeously.
10. To monitor and minimise noise.
11. To monitor and minimise noise.
12. To meet the requirements of Environmental Health.
13. To meet the requirements of Environmental Health.
14. To meet the requirements of Environmental Health.
15. To meet the requirements of Environmental Health.
16. In the interest of the amenity of the area.
17. In the interest of safety
18. To meet the requirements of the Ministry of Defence.
19. To minimise disturbance to wintering birds.
20. In the interest of the amenity of the area.
21. To meet the requirements of Environmental Health.

Reason(s) for approval:

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

Committee Plans

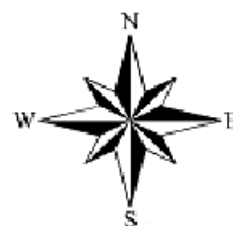
17/00034/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

23 August 2017

Locality

Three Towns

Reference

14/00593/PPPM

Application

9th October 2014

Registered

Decision Due

9th February 2015

Ward

Stevenston

Recommendation	(1) Agree to remove the proposed Section 75 Agreement and (2) Grant subject to conditions at Appendix 1
-----------------------	--

Location	Site to West of First Avenue Stevenston Industrial Estate Stevenston
-----------------	--

Applicant	Clowes Developments (Scotland) Ltd Estate Office APL Centre Stevenston Industrial Estate Stevenston
------------------	---

Proposal	Planning Permission in Principle for residential development
-----------------	--

1. Introduction

At the meeting on the 14th January 2015, the Committee (see Annex 1) agreed (a) to grant this application subject to the applicants entering into a Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and (b) to grant subject to conditions. It was also agreed that these matters be reported back to Committee. The applicants have now requested that, rather than requiring a formal S75 Agreement, both of these issues be covered by conditions of the planning permission in principle.

In relation to the issue of employment provision/improvements (see (i) above), the applicants have stated that they would undertake (1) the continued maintenance of existing business operations at APL, (2) the renewal of surplus obsolete accommodation on a demand driven basis, and (3) the provision of a new source of electrical power to properties at the Nobel Business Park. Since the application was determined in 2014, the applicants advise that they have let a contract for the removal of asbestos, the demolition of three buildings and for the licensed disposal of some 9,000 tyres, and that these works are currently taking place. Detailed costings for these works have been provided by the applicants. The applicants consider that these matters can now be addressed by a Condition, (see Appendix 1 - Condition No. 8 refers).

In relation to the affordable housing contribution (see (ii) above), the applicants consider that this matter can now be addressed satisfactorily by a planning condition, (see Appendix 1 - Condition No. 9 refers). Consideration of this application was continued with the agreement of the Applicant to determine a mutual outcome.

2. Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
24 July 2017

For further information please contact Gordon Craig, Planner , on 01294 324380

Appendix 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 14/00593/PPPM

Grant subject to the following conditions:-

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

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

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

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

3. That prior to the commencement of the development hereby approved, the applicant shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
4. That the further application(s) for approval under the terms of Condition 1 shall be accompanied by a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's "Sustainable Urban Drainage Systems Manual", published in March 2007, shall be submitted to, and approved by North Ayrshire Council as Planning Authority. Thereafter any scheme that may be approved shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the further application(s) for approval under the terms of Condition 1 shall include a revised/updated Transportation Assessment which details of both vehicle speeds and traffic counts for both Lundholm Road and First Avenue.
6. The proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.

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

8. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals for the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan.

9. That the further application(s) for approval under the terms of Condition 1 shall include detailed proposals to secure an appropriate affordable housing contribution at a rate of 10%.

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

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

NORTH AYRSHIRE COUNCIL

Agenda Item 4

Planning Committee

14 January 2015

Planning Area

**Ardrossan Saltcoats and
Stevenston**

Reference

14/00593/PPPM

Application

9th October 2014

Registered

Decision Due

9th February 2015

Ward

Saltcoats & Stevenston

Recommendation	<p>Agree (a) subject to the applicants entering into a</p> <p>Section 75 Agreement (i) to specify the nature and extent of new employment provision or improvements to existing employment space as detailed within an agreed business plan; and (ii) to secure an appropriate affordable housing contribution at a rate of 10%; and</p> <p>(b) to grant subject to the conditions contained in Appendix 1.</p>
-----------------------	--

Location	<p>Site to West of First Avenue Stevenston Industrial Estate Stevenston</p>
-----------------	---

Applicant	<p>Clowes Developments (Scotland) Ltd Estate Office APL Centre Stevenston Industrial Estate Stevenston</p>
------------------	--

Proposal	<p>Planning Permission in Principle for residential development</p>
-----------------	---

1. Description

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

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

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

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

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

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

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

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

2. Consultations and Representations

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

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

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

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

- (2) Lack of information provided in application.

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

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

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

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

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

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

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

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

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

- (7) The site contains protected wildlife.

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

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

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

Consultations

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

Response - Appropriate conditions would address these matters.

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

Response - Appropriate conditions would address these matters.

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

Response - Noted.

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

Response - Noted.

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

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

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

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

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

Response - Noted.

3. Analysis

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

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

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

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

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

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

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

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

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

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

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

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

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

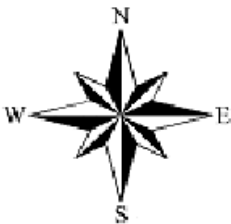
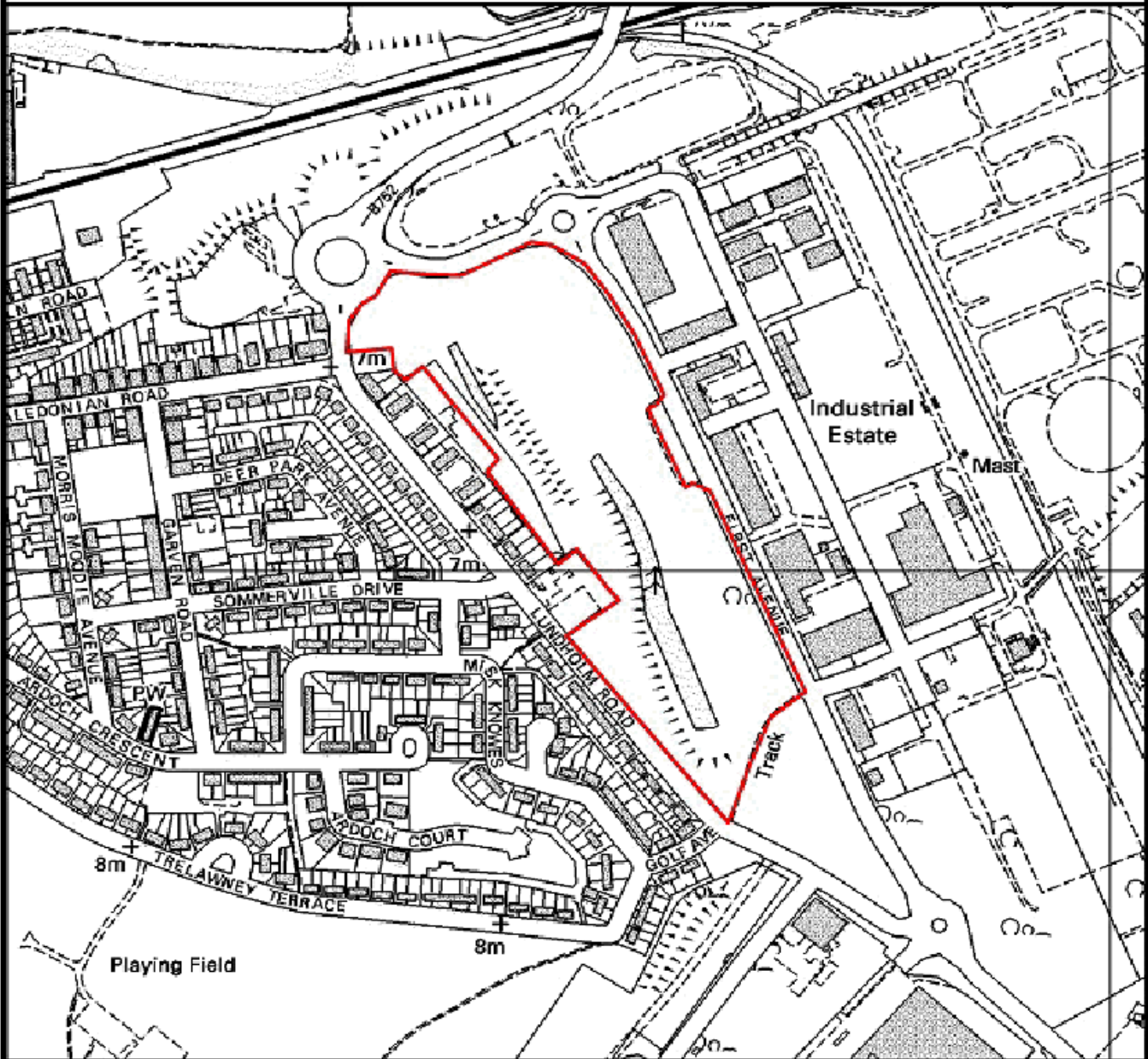
Cunninghame House, Irvine
19 December 2014

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

GC/JW/SLP

Committee Plans

14/00593/PPPM



NORTH AYRSHIRE COUNCIL

Agenda Item 5

Planning Committee

23 August 2017

Locality

Garnock Valley

Reference

17/00681/PP

Application

26th June 2017

Registered

Decision Due

29th August 2017

Ward

Dalry and West Kilbride

Recommendation	Grant with Conditions contained in Appendix 1.
-----------------------	---

Location	Derrilin View, Gateside, Beith KA15 2LQ
-----------------	---

Applicant	Mr Ian Maitland
------------------	-----------------

Proposal	Formation of new vehicular access onto B777, closure of existing access and deletion of condition 1 (b) of planning permission in principle ref. 08/00473/PPP
-----------------	---

1. Introduction

Planning permission is sought for the formation of a new access to the front of a detached dwellinghouse. Planning permission is required because the access is onto the B777. The application seeks to create an access approx. 4m in width in the middle of the front (southern) boundary. The access would facilitate a 4m wide driveway.

The host property was granted planning permission in principle in 2010 (ref: 08/00473/PP) with the matter specified by condition approved in 2012 (ref: 12/00109/MS). The permission granted by the Planning Committee, originally required the occupancy of the property to be restricted to employees of the adjacent Burnside Nursery. Condition 1(b) of the 2010 permission requires the access to be taken from Burnside Nursery to the west. An existing field access on the southern boundary was to be closed. In 2016 permission was granted by Committee, to discharge the legal obligation restricting the occupancy (ref: 16/00855/ALO). The house is no longer tied to the nursery.

This application seeks a new access to the east of the existing field access. The existing access would be closed off. Condition 1(b) of permission 08/00473/PPP would be deleted. The property is in the countryside, as identified in the Adopted North Ayrshire Council Local Development Plan (the LDP). The development requires to be assessed against the General Policy of the LDP.

2. Consultations and Representations

Notice was served on the neighbouring properties and there has been no response to date. As the access is onto a classified road, the were consulted. Their response can be summarised as follows;

NAC Regeneration (Active Travel and Transport) - No objections to the proposal. This proposal will provide better sightlines than the existing access. Visibility splays of 2.4m by 160m, in both directions must be provided and maintained as the junction with the public road. No item with a height greater than 1.05m above the adjacent carriageway level must be located within these sightlines triangles. The first 5 metres of the driveway to be hard surfaced in order to prevent loose material from being deposited onto the public road. No surface water to issue from the access/driveway onto the public road. If gates are to be used then these should be set back a minimum of 6 metres from the carriageway so that vehicles do not stop on the road. Gates to open inwards.

Response: Noted. The applicant has been advised of these requirements. A condition securing the sightlines within land in the applicant's ownership and the hard-surfacing could be added to any permission.

3. Analysis

The proposal is a related to an existing approved house. Therefore it is not considered that there are any land use implications and the development therefore requires to be assessed against criteria (a) Siting, Design and External Appearance, and (d) Access, of the General Policy.

With regards to criterion (a); the proposed opening is of a width which is appropriate for a residential property. There are not any proposed gates and it is considered the works are of a scale and appearance appropriate to the property. Landscaping is proposed for the southern boundary and a condition could be added to any permission requiring details to be submitted to ensure proper screening whilst having regard to sightlines (see below). The development is therefore held to be in accordance with criterion (a) of the General Policy.

With regards to criterion (d); Regeneration (Active Travel and Transport) had not any objection to the development. A condition could be added to any permission requiring sightlines to be maintained over land within the applicant's control. A condition could also be added requiring the first 5 metres of the access to be hard surfaced. The development is therefore held to be in accordance with criterion (d) of the General Policy.

As the proposed access is held to be acceptable, it is also considered that Condition 1(b) of permission 08/00473/PPP is not longer necessary and can be deleted.

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
25 July 2017

For further information please contact Iain Davies, Planning Officer , on
01294324320

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00681/PP

Grant subject to the following conditions:-

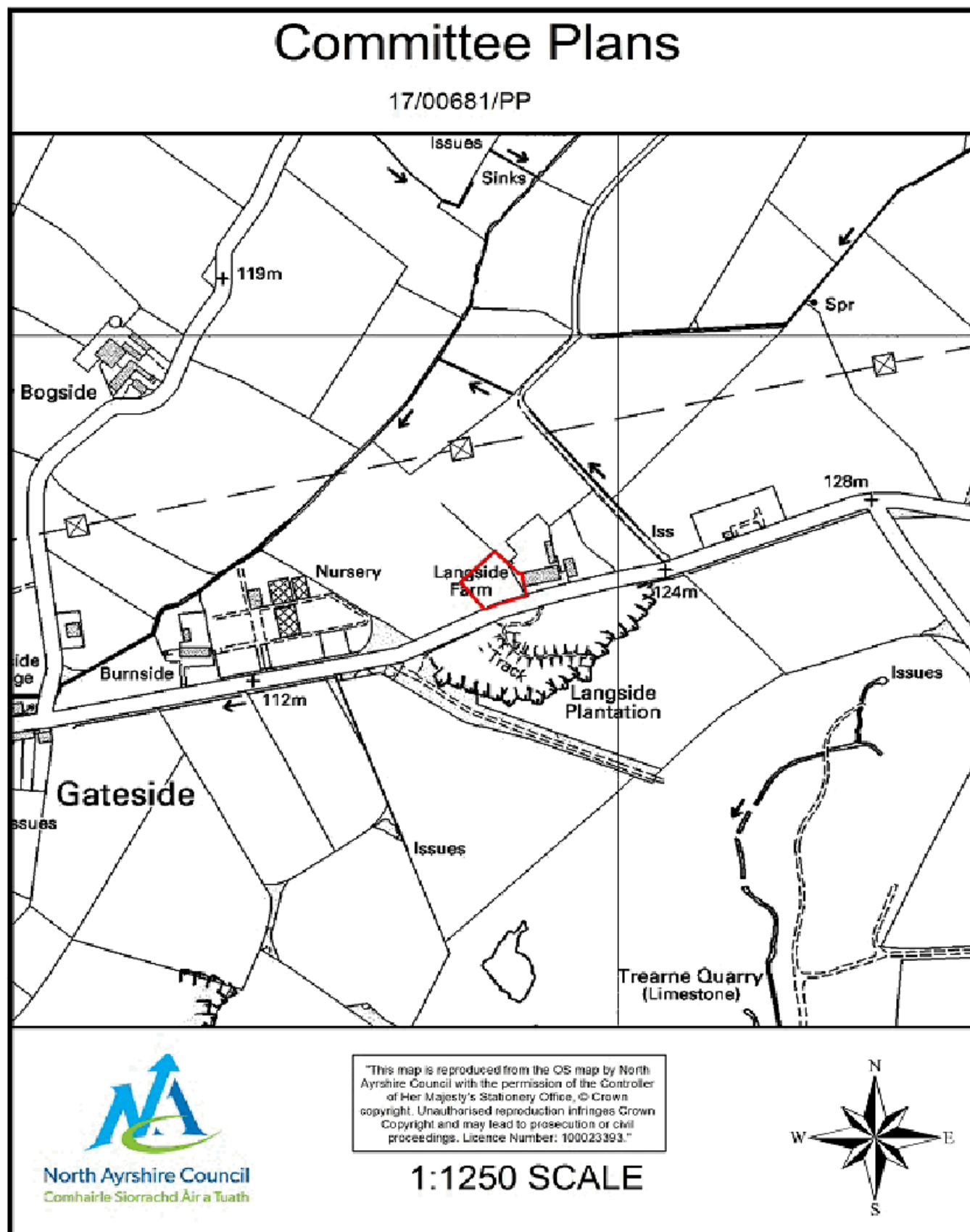
1. That visibility splays of 2.4m must be provided and maintained at the junction with the public road within land under the applicant's control. No item greater than 1.05m above the adjacent carriageway level must be located within the splays all to the satisfaction of the Council, as Roads Authority.
2. That prior to the use of the access, the first 5 metres of the access from the junction with the public road will be hardsurfaced to the satisfaction of the Council, as Planning Authority.
3. That within 2 months of the date of this decision a scheme of hedgerow landscaping for the southern boundary be submitted to the Council, as Planning Authority, for approval. Any scheme should reflect the visibility splay requirements of Condition 1. Any scheme approved shall be implemented within the first planting season following approval. Any trees or plants which, within a period of five years from planting die, are removed or become seriously damaged or diseased shall be replaced with others of a similar size and species, unless the Council, as Planning Authority, gives written consent to any variation.

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

1. To ensure adequate sightlines for vehicles exiting the access onto the public road in the interest of road safety.
2. To prevent loose material from being deposited on the public road, to meet the requirements of the Council, as Roads Authority, and in the interest of road safety.
3. To ensure proper screening of the property in the interests of amenity.

Reason(s) for approval:

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



NORTH AYRSHIRE COUNCIL

Agenda Item 6

Planning Committee

23 August 2017

Locality

Irvine

Reference

17/00581/PPM

Application

2 June 2017

Registered

Decision Due

2 October 2017

Ward

Irvine South

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

Location	Site 21 Crompton Way , North Newmoor Industrial Estate, Irvine
-----------------	--

Applicant	Persimmon Homes & Dawn Developments Ltd, 180 Findochty Street, Glasgow
------------------	---

Proposal	Erection of residential development comprising of 93 dwellinghouses with associated roads, paths, open space and landscaping.
-----------------	---

1. Description

This application seeks planning permission for a major housing development consisting of the erection of 93 dwellinghouses together with the associated roads, footpaths and open spaces on a site located between Crompton Way and Manson Road, Irvine. The proposed dwellings would all be 2 storeys in height and would consist of a mix of 2, 3, 4 and 5 bedroom detached, semi-detached and terraced properties. There would be 11 house designs, each with pitched roof and facing brick details on the front elevation. Finishing materials would be off-white coloured dry dash render to the walls with feature areas of facing brick. Roofs would be finished with concrete tiles. The larger 5 bedroom, detached houses would have integral garages. The front garden areas would be open with 1.8m high fencing bounding rear garden areas. The proposed layout would be arranged around a loop road with two points of access from Crompton Way. An area of amenity open space would be formed in a central location with the front elevations of houses orientated to provide informal surveillance over the area.

Planning permission was approved in June 2016 for the erection of 144 dwellinghouses (ref: 16/00070/PPM) which consisted of 2 phases (Phase 1, with 90 dwellings and Phase 2 with 54). The current application site relates only to the previously approved Phase 1 site and would increase the number of previously approved houses by 3. The proposed layout is broadly similar to the previous approval and would be accessed from the same two access points at Crompton Way. The path connection to the Core Path (IK25) at the north east of the site would also be retained as previously approved. A concept masterplan was submitted with the previous application for Phases 1 and 2 which is part of a wider masterplan for the entire North Newmoor site which has an area of approx. 27.7ha.

The application site is generally level, although there is a steeply 30m wide wooded embankment at the western boundary which acts as a buffer to the A78 dual carriageway. The site is at a higher level than the A78. There is also steeply sloping banking along the northern boundary which carries Manson Road over the A78. A factory unit which was previously located within the site was demolished several years ago. There are 2 distribution warehouses to the south east within close proximity of the site.

In terms of the adopted Local Development Plan, Policy RES 2 (Additional Housing Sites) allocates the application site for housing development with an indicative capacity of 300 units. Policy RES 2 requires that such sites will require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. Policy RES 4 (Affordable Housing) is also relevant, and requires all proposals for residential development to make a contribution to affordable housing provision. For the Irvine/Kilwinning sub-market housing area, a contribution of 15% is required and should be provided in line with the Council's supplementary guidance.

The application site is also within a Mixed Use Employment Area as identified within the LDP. Policy IND 5 (Mixed Use Employment Areas) requires that such sites should retain merit as employment locations and that an introduction of a mix of uses is acceptable where this facilitates new employment provision or improvements to existing employment space. Policies PI 1 (Walking, Cycling and Public Transport), PI 4 (Core Path Network), 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.

The allocation of the site for housing was promoted through the draft version of the LDP in 2011. The subsequent release of the site for housing was confirmed when the LDP was adopted by the Council in May 2014 following external examination by Reporters appointed by the Scottish Government.

The following supporting documents form part of the application:

Pre-Application Consultation (PAC) Report

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

Design and Access Statement

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

Other supporting documents include a noise impact assessment, drainage statement and a transport assessment.

2. Consultations and Representations

The statutory neighbour notification procedure was carried out and the application was also advertised in a local newspaper on 16th June 2017 for neighbour notification purposes. No objections or representations have been received.

Consultations

NAC Flooding Officer:- no objections subject to the submission of a sustainable drainage strategy for the proposed development prior to the commencement of any development.

Response: Noted. A suitably worded condition could be imposed to meet the above requirement.

SEPA:- No objections. Standard advice has been issued with respect to surface water drainage, SuDs and construction/demolition, pollution prevention.

Response: Noted. Whilst a SuDS condition could be attached to any grant of consent, an informative could also be attached to advise the applicant to contact SEPA regarding other matters.

NAC Transportation (Roads):- No objections. Transportation Officers contributed to the proposals at the pre-application stage and note that full consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. Standard conditions should be imposed with respect to the driveways within the development. The Transport Assessment submitted with the proposal does not raise any concerns or issues. Road Construction Consent would also be required and a Road Safety Audit (RSA) would be required as part of this process.

Response: Noted. The proposed development has considered the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout. It is considered that the proposal has maximised the connectivity of the site with the surrounding area and adequate parking provision has been proposed. A suitable condition could be imposed with regards to the driveways. An informative could also be attached to advise the applicant on the need for Road Construction Consent and Road Safety Audit.

NAC Housing:- No objections. The affordable housing contribution should be 15% in accordance with Policy RES4 (Affordable Housing) contained within the LDP.

Response: Noted. It is considered appropriate to attach a condition to ensure that the mechanism for the affordable housing contribution is agreed between the developer and NAC Housing prior to the commencement of development on site.

NAC Access Officer:- No objections. The Core Path IK25 is located within proximity to the northern site boundary and the proposal includes a link to this path which would accord with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. This connection is welcomed and should be constructed to a multi-user and all abilities access standard.

Response: Noted. The path connection would be overlooked by windows which serve habitable rooms on nearby dwellings which would provide adequate surveillance. An appropriate condition could also be imposed to ensure that the path connections are constructed to a multi-user and all abilities access standard.

Environmental Health:- offer no objections to the development subject to the implementation of the noise mitigation measures as detailed in the Noise Impact Assessment. A desktop stage one air quality assessment and associated mitigation measures is also recommended.

Response: Noted. An appropriate planning condition could be imposed with respect to the noise mitigation measures. It is not considered necessary to attach a condition regarding air quality given the decision to grant planning permission for residential development on the site as recently as 2016. Any mitigation measures directed only at the site would have no effect on traffic using the neighbouring A78 trunk road. Such a condition would therefore not meet the tests for planning conditions as set out in Circular 4/1998.

West of Scotland Archaeological Service:- no objections. No archaeological investigations are required since this part of the North Newmoor site appears to have been subject to substantial levels of previous disturbance associated with the industrial buildings that previously occupied the area.

Response: Noted.

3. Analysis

The principle of the proposed development accords with the LDP, having been released for residential development as an additional housing site under Policy RES 2, which identified an indicative capacity of 300 units within the wider site. Policy RES 2 states that development of such sites would require to mitigate against any unacceptable adverse impacts on infrastructure arising as a result of the development. The LDP Action Programme lists the following as indicative requirements:-

- (a) Agree development mix within development brief/master plan
- (b) Demonstrate an element of retained employment use, the nature of which to be agreed with reference to a business plan;
- (c) Employment uses to be located on-site, unless suitable alternative provision can be provided off site.
- (d) Retail development to serve local need in accordance with Policy TC5.
- (e) Improve access across B7080 (Long Drive) and A78 to improve connectivity to adjacent areas and provide safer routes to school.
- (f) Prepare drainage impact/flood risk assessment.
- (g) Secure contributions towards affordable housing.

In relation to the above Action Programme points, the application proposes residential development only. An indicative masterplan was submitted with the previous application (ref: 16/00070/PPM) which indicated mainly residential development with commercial units at the site entrance from Stanecastle Roundabout. The area of the previously approved Phase 2 is not within the current application. A condition requiring a formal masterplan and development brief for the remainder of the allocation in advance of any subsequent planning applications was attached to the previous planning consent (ref. 16/00070/PPM). As noted in criterion (d) above, any proposed retail development in the wider site, would require to accord with Policy TC5 (Local Shops) contained within the LDP.

In relation to (b) and (c), there are no existing employment uses within the current application site, however the existing industrial uses nearby would be retained within the wider North Newmoor site. There is an existing distribution warehouse immediately to the south east of the site, Tennents, and within the south east area of the wider master plan site, Amer Sports. The indicative master plan illustrated some commercial development close to the Stanecastle Roundabout. All further applications for later phases of development at North Newmoor would require to demonstrate integration with existing commercial uses and compliance with other LDP policies (such as Policy TC 5 - Local Shops).

In relation to (d), there are no retail units proposed in the current application. As noted above, any future applications for retail development within the site would require to be fully assessed against Policy TC5. With regards to (e), there are existing pedestrian crossings (footbridges) over the B7080 (Long Drive) and A78 within the wider masterplan site. Any future proposal should seek to ensure that there is connectivity from the development to these crossing points.

In relation to (f), a Drainage Statement was submitted with the application. SEPA and NAC Flooding Engineer have no objections to the proposal, as noted above.

With regards to (g), NAC Housing advised that the affordable housing contribution should be 15%, as stated in Policy RES 4. It is considered appropriate to attach a condition to ensure that the mechanism for the affordable housing contribution is agreed between the developer and NAC Housing prior to the commencement of development on site. The proposal is therefore satisfactory in terms of Policy RES 4.

Policy IND5 requires that Mixed Use such sites should retain merit as employment locations and that an introduction of a mix of uses is acceptable where this facilitates new employment provision or improvements to existing employment space. There is an existing distribution warehouse immediately to the south east of the site and a further warehouse within the eastern part of the wider master plan site. It is considered that the application adequately demonstrates that the proposal could be successfully integrated within the mixed use site without conflict or adverse impacts on amenity or the operation of the existing commercial units. Further applications for later phases would also require to demonstrate that the development could be successfully integrated with these existing commercial units. The proposal is therefore satisfactory in terms of Policy IND5.

Policy PI 1 (Walking, Cycling and Public Transport), requires that account has been taken of the needs of walkers, cyclists and public transport, including a demonstration that the proposals reflect the principles of Designing Streets. It is considered that the proposed footpath connections to the existing network would be adequate in this regard. It is also considered that the proposed development has embraced the Designing Streets concept from the outset. A collaborative approach between the applicant, planning and transportation officers has resulted in the submitted layout which has maximised the connectivity of the site with the surrounding area, so far as possible. The proposal is therefore satisfactory in terms of Policy PI 1.

PI 4 (Core Path Network), requires that development within close proximity of the Core Path network should provide suitable links to the Core Path Network where appropriate. The proposal includes a link from the site to the IK25 core path to the north of the site which would accord with Policy PI 4 Core Paths Plan of the adopted Local Development Plan. This connection is welcomed and should be constructed to a multi-user and all abilities access standard. The route would also be overlooked by the neighbouring houses to provide sufficient active and passive surveillance of the routes. The proposal is therefore satisfactory in terms of Policy PI 4.

Policy PI 8 (Drainage, SUDS and Flooding) has been comprehensively considered and consultation has taken place with SEPA and NAC Flooding Engineer. Surface water would dissipate by a combination of piped discharge and overland flow into the drainage system, infiltration into the ground and evaporation in accordance with the SuDs Manual and discharged via an attenuation manhole to the surface water sewer adjacent to the A78. A suitably worded condition could be attached with respect to sustainable drainage for the application site and wider masterplan area. It is considered that the proposal meets the requirements of Policy PI 8.

Policy PI 13 (Carbon Emissions and New Buildings) states that all new buildings must reduce CO2 emissions above or in line with building standards. Whilst a separate building warrant application would be required to assess insulation standards and energy efficiency, the planning process can assist in the reduction of CO2 emissions in respect of passive energy efficient measures. In this regard, the siting and orientation of buildings can have an important effect on the use of lighting and heating systems within buildings. Careful consideration has been given by the applicant and by planning officers to ensure that orientation favours as much natural light and solar gain within the development as possible. A significant number of houses would feature generously sized front windows to capture as much daylight/sunlight as possible. It is considered that the proposal meets the requirements of Policy PI 13.

The Council's 'Neighbourhood Design Guidance' seeks new high quality design solutions, which seek to 'knit together' and 'mend' existing settings, creating a 'sense of place' and encourage design that links communities and promotes activity. It is considered that the proposals comply with these aims, as noted above in respect of Policy PI 1.

With regards to the relevant criteria of the General Policy: -

(a) Siting, Design and External Appearance - the proposed layout is broadly similar to phase 1 of the previously approved application (ref: 16/00070/PPM) and incorporates a street block road network of varying widths creating a hierarchy for primary and secondary routes, with most houses having a road frontage other than those which would face onto the area of open space. As discussed above, the proposed development has taken into account the requirements of Designing Streets. The proposed mix of 2 storey dwellings is considered to be satisfactory in terms of siting, design and external appearance and would provide a variety of house types that would create visual interest within an acceptable street design. A condition could be imposed to ensure a final check of materials prior to the commencement of building operations. It is considered that the proposal is satisfactory in terms of criterion (a).

(b) Amenity - it is considered that the proposed development would have a satisfactory standard of amenity and open space. Environmental Health are also satisfied that the proposed noise mitigation measures as detailed in the submitted noise impact assessment would also be acceptable with respect to residential amenity. It is therefore considered that the proposal would be satisfactory in terms of criterion (b).

(c) Landscape Character - the site is within a former modern industrial estate where there is a well established landscape buffer with the A78 (Irvine Bypass) and B7080 (Long Drive). It is considered that the proposed residential development would have a positive visual impact on the local area by occupying an otherwise largely vacant site.

(d) Access, Road Layout, Parking Provision - as noted above, consideration has been given to Designing Streets and maximising the connectivity of the site with the surrounding area. Adequate parking provision has been proposed. It is considered that the proposal is satisfactory in terms of criterion (d).

(g) Infrastructure and Development Contributions - in respect of play facilities, there would be a well connected, centrally located, open space area which would ensure a reasonable balance of development and open space. As discussed above, for the Irvine/Kilwinning sub-market housing area, an affordable housing contribution of 15% is required and should be provided in accordance with the Council's supplementary guidance. An appropriate condition would be imposed with this regard to agree and secure the method of contribution. The proposal would therefore accord with criterion (g).

In summary, it is considered that the proposal accords with the provisions of the LDP and would offer a welcome and positive development for Irvine, resulting in the regeneration of a brownfield site through the development of well designed housing following site release through the LDP process. The application should therefore be granted subject to the conditions listed in Appendix 1.

4. Full Recommendation

See Appendix 1.



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
21 July 2017

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00581/PPM

Grant subject to the following conditions:-

1. 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.
2. 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.
3. That prior to the occupation of any of the dwellinghouses and where Council adoption of open space and landscaped areas is not to be pursued, details of the proposed factor or management agency for all areas of open space, landscaping and SuDs area within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the areas of open space and landscaping shall be maintained and managed in accordance with the details as may be approved under the terms of Condition 1 above.
4. 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/or 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.
5. That, prior to the commencement of the development, hereby approved, full details of any treeworks and tree protection measures for the development shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The details shall comply with the principles and practices contained in "BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations." Detailed plans indicating tree protection fencing to be erected, an Arboricultural Impact Assessment and an Arboricultural Method Statement shall be submitted for written approval. For the avoidance of doubt:
 - there shall be no treeworks undertaken during the main bird breeding season (March - September);
 - all tree protection measures to be erected shall be maintained in a satisfactory condition for the duration of all engineering and construction operations until the completion of the development.

Thereafter, the development shall be implemented only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning

Authority.

6. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of a scheme for the delivery of a 15% affordable housing contribution in accordance with LDP Policy RES 4 (Affordable Housing). Thereafter, the affordable housing contribution shall be implemented only in accordance with such scheme as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.

7. The noise mitigation measures detailed within paragraphs 7.4 and 7.6 of the Noise Impact Assessment prepared by Bureau Veritas and submitted in support of the application shall be implemented during the construction of the dwellinghouses hereby approved to the satisfaction of North Ayrshire Council as Planning Authority.

8. That the first 2 metres of the driveways shall be hard surfaced in order to prevent deleterious material being carried onto the carriageway and designed in such a way that no surface water shall issue from the access onto the carriageway.

9. That connecting public paths within the site shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

10. That, prior to the commencement of the development, a drainage strategy and plan shall be submitted for consideration and approval in writing by North Ayrshire Council as Planning Authority. This shall include confirmation and certification by a suitably qualified person that a scheme to treat the surface water arising from the site including the wider master plan site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). 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.

11. That, prior to the erection of any of the dwellinghouses hereby approved, a detailed schedule of the proposed external finishes for each of the dwellinghouses together with a plan and schedule of the surface treatments to be used on the roads and footpaths within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the houses, roads and footpaths shall be constructed only in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

12. That prior to the commencement of the development, hereby approved, the applicant shall undertake a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment as advocated in BS10175: 2011. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to North Ayrshire Council as Planning Authority. Any required remediation measures shall be undertaken, prior to the commencement of the development to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed

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

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

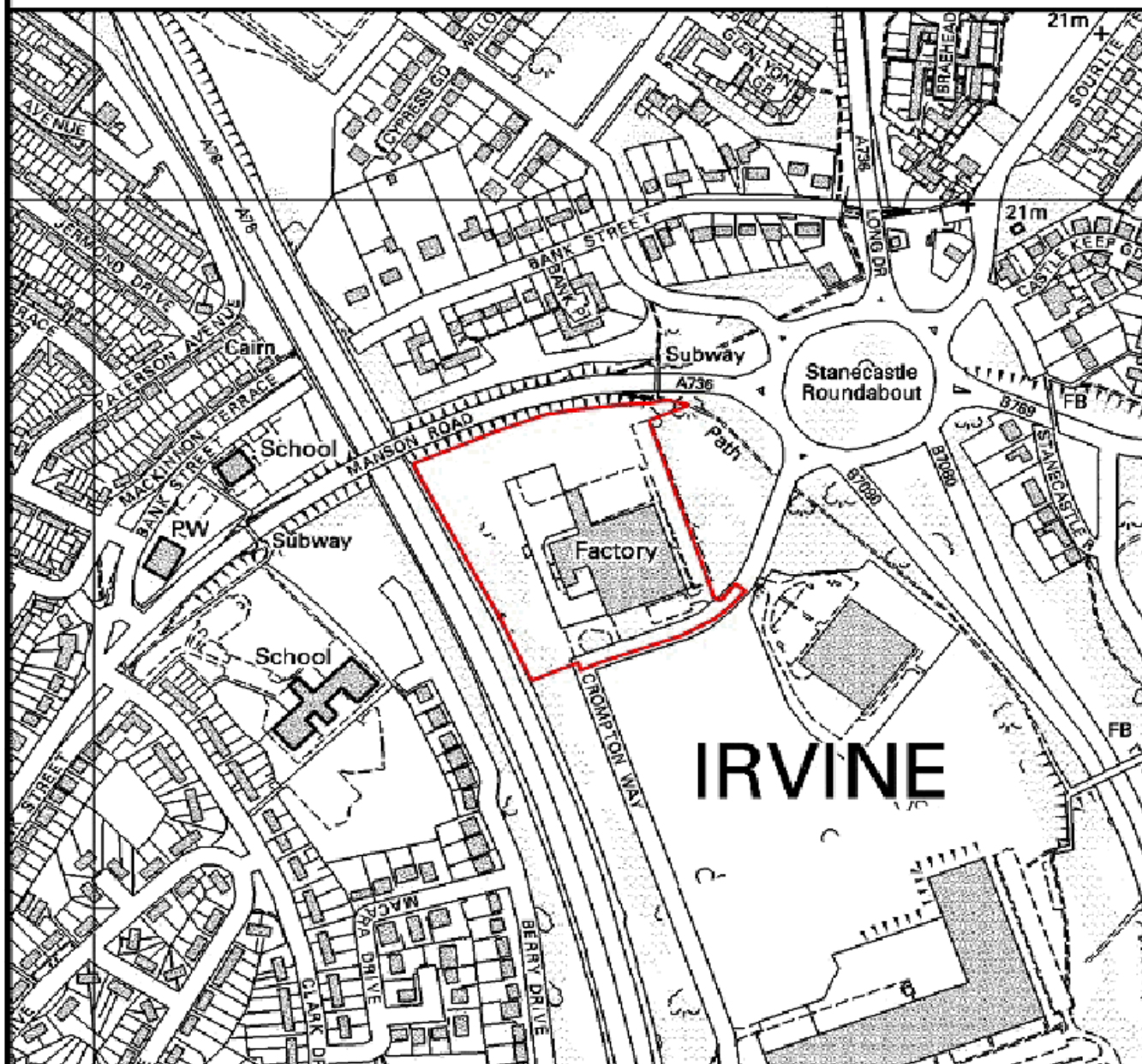
1. In the interest of the amenity of the area.
2. In the interest of the amenity of the area.
3. In the interest of the amenity of the area.
4. In the interest of the amenity of the area.
5. To manage the treeworks and safeguard trees in the interests of the amenity of the area.
6. To secure an affordable housing contribution for the development.
7. To meet the requirements of Environmental Health.
8. To meet the requirements of North Ayrshire Council as Roads Authority.
9. To ensure that the development facilitates for active travel.
10. To meet the requirements of the Scottish Environment Protection Agency.
11. In the interest of the amenity of the area.
12. To meet the requirements of Environmental Health.

Reason(s) for approval:

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

Committee Plans

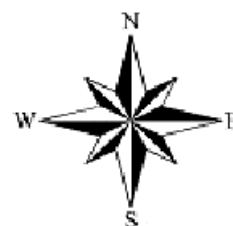
17/00581/PPM



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

"This map is reproduced from the OS map by North Ayrshire Council with the permission of the Controller of Her Majesty's Stationery Office, © Crown copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence Number: 100023393."

1:1250 SCALE



NORTH AYRSHIRE COUNCIL

Agenda Item 7

Planning Committee

23 August 2017

Locality

Kilwinning

Reference

17/00530/PP

Application

23rd May 2017

Registered

Decision Due

23rd July 2017

Ward

Kilwinning

Recommendation**Grant as per Appendix 1**

Location

Site to north of Corsehillhead Farm, Kilwinning

ApplicantCunninghame Housing Association
82 Glasgow Street
Ardrossan**Proposal**Delete condition 1 of planning permission ref.
16/01162/PPM to enable the removal of a
tree/hedgerow belt on the south western boundary
of the site

1. Description

On 8th February 2017, the Planning Committee approved the development of 64 new houses on a greenfield site adjacent to Weirston Road on the eastern outskirts of Kilwinning (ref. 16/01162/PPM). Following an archaeological investigation and the discharge of various planning conditions, the development commenced on 29th May 2017.

Condition 1 of the planning permission stated the following:

That the existing tree/hedgerow belt along the south western site boundary shall be retained. Prior to any site operations, details of tree/hedgerow protective fencing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the protective fencing as may be approved shall be erected for the duration of all site excavations, land engineering and construction operations until the completion of the development and to the satisfaction of North Ayrshire Council as Planning Authority.

Reason: In the interest of the amenity of the area.

Detailed drainage design work was undertaken by a consulting civil engineer to meet the requirements of Scottish Water. The civil engineer has advised that foul drainage from the development must drain to the south west of the site where there is an existing sewer at Hunter Place. Surface water is to drain to a culverted watercourse adjacent to Weirston Road after passing through a SuDS detention pond which is to be provided at the south east corner of the site.

The applicant's agent advises that the ground levels within the development site require to be designed in such a way as to ensure that a gravity connection for foul drainage (to the south west) and surface water drainage (to the south east) can be achieved. In addition, the site levels must also be formed to ensure that any storm water arising from a severe rainfall event is channelled towards the detention pond at the south east corner of the site.

The consequence of the adjusted ground levels means that the planning condition which requires the retention of the tree and hedgerow belt along the south western boundary of the site cannot be met. In order to allow the drainage systems to function, the consulting civil engineer advises that the ground levels would need to be raised at this part of the site and that a gabion basket type retaining structure, to be planted with evergreen climbing plants, would be required along the line of the existing hedgerow which forms the boundary. The gabions would vary in height from 0.5m to 1.8m and would be set at an angle of 5 - 10 degrees, with each basket set back to create a terracing effect. A timber fence of around 1.1m in height would then be erected on top of the gabions to form the rear garden boundary of the associated flats within the development. It should be noted that the ground levels as approved would not be altered as a result of the proposed deletion of condition 1.

The site is located to the east of Kilwinning and is adjoined to the north and west by existing 2 storey housing within the Corsehill housing estate. To the north east is a linear group of housing in a variety of designs and age. To the east is an area of woodland on the edge of Eglinton Country Park. There is an existing footpath connection into this area. To the south of the site is a working farm, Corsehillhead, the steading of which occupies an extensive area. To the south west, a strip of land also allocated for housing development in the LDP would be retained by the Council for a future housing development project.

The site was allocated for housing development in terms of Policy RES 4 in the adopted LDP. The principle of housing development has therefore been established both through the allocated in the LDP and through the grant of planning permission ref. 16/01162/PPM. As there are not any land use policy implications arising from the proposed deletion of condition 1, the application requires to be considered in terms of criterion (b) Amenity of the General Policy contained in the adopted Local Development Plan.

A processing agreement was signed by both the applicant's agent and the Council to the effect that the statutory two month processing period would not be achievable in this case due to the need to report the matter to the Planning Committee. The first available date for the Planning Committee is one month after the expiry of the 2 month date.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures, which included the publication of a notice in a local newspaper on 16th June 2017. No representations were received,

A consultation was undertaken with Kilwinning Community Council, who have made no comment on the application.

3. Analysis

As noted above, planning permission for the housing development at Weirston Road was granted on 8th February 2017 and work has now commenced on the development. Condition 1 cannot be complied with since the modifications to the ground levels, which were approved as part of the original planning permission, would result in the need to remove the boundary hedgerow that separates part of the site from the rear gardens of existing housing at Moncur Road/Hunter Place. The application requires to be considered in terms of criterion (b) Amenity of the General Policy, which is contained in the adopted LDP.

Criterion (b) requires that development should have regard to the character of the area in which it is located, and that development should avoid significant adverse impact on biodiversity and upon natural heritage resources. Furthermore, proposals should have regard to the preservation and planting of trees and hedgerows. Condition 1 had the aim of safeguarding approximately 60m of established hedgerow which contains a number of relatively small broadleaved trees.

However, the applicant as noted above has now advised that the condition has been found to be impractical to implement, due to the need to vary the ground levels on the site. As noted, the variations to the ground levels were considered as part of the planning application and the current application does not seek permission to alter these further.

The proposed mitigation measures included in the application are for the gabion baskets, which would act as a retaining structure, to be softened through the use of planting with evergreen ground cover species into earth bags to be inserted into the gaps between the stone within the gabion baskets. This measure would ensure that the 60m of the site which is currently edged with a hedgerow would continue to have a 'softer' green edge. The erection of a 1.1m high fence on top of the gabions, the maximum height of which would be 1.8m, would provide an edge to the rear gardens of the flats to be built thereby achieving a degree of privacy for the householders as well as preventing any falls over the edge.

The hedge, which would be removed, is relatively isolated, and does not continue for the remainder of the western boundary of the site. It is therefore not a significant landscape feature within the area. Within the development site, significant planting and landscaping would be undertaken, which would include hedgerow features and trees. It is considered that the new planting would, in part, off-set the loss of the hedgerow, which would now be removed as a consequence of the proposal.

In summary, the application is considered acceptable on the grounds that condition 1 cannot be complied with for reasons relating to the need for an acceptable drainage system to serve the new development. The proposed means of mitigation for the loss of the hedge and trees is considered to be acceptable, and condition 1 can therefore be deleted.

4. Full Recommendation

See Appendix 1



KAREN YEOMANS
Executive Director (Economy and Communities)

Cunninghame House, Irvine
3 July 2017

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

APPENDIX 1

RECOMMENDATION FOR PLANNING APPLICATION REF NO 17/00530/PP

Grant (No conditions).

