

Planning Committee
14 January 2015

IRVINE, 14 January 2015 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

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

In Attendance

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

Chair

Councillor Ferguson in the Chair.

Apologies for Absence

Robert Barr, Matthew Brown and John Bruce

1. Declarations of Interest

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

2. Minutes

The accuracy of the Minutes of the Committee held on 3 December 2014 was confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Kilwinning

14/00656/DCMS: Hullerhill Sand Quarry, Kilwinning

Hugh King and Co., Hullerhill Sand Quarry, Kilwinning has applied for permission to update the planning conditions for the quarry operations at Hullerhill Sand Quarry, Kilwinning in accordance with the periodic Review of Old Mineral Permissions (ROMP) procedure.

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

1. That the development hereby approved within the area identified on drawing reference Figure 2.1 of the Planning and Environmental Review shall enure until 21 February 2042. At the end of the period of permission, all quarrying operations, including the processing of sand and the transfer of aggregates from the site, shall

cease, to the satisfaction of North Ayrshire Council as Planning Authority.

2. That the site operators shall work the quarry only in accordance with the provisions of the Planning and Environmental Review submitted in support of the ROMP review and the plans hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

3. That all soil storage mounds shall not exceed 6 metres in height, shall be evenly graded, shaped and drained to prevent water ponding on or around them and they shall be seeded with a suitable low maintenance grass seed mixture all to the satisfaction of North Ayrshire Council as Planning Authority.

4. That no turf, topsoil or subsoil shall be at any time removed from the site to the satisfaction of North Ayrshire Council as Planning Authority.

5. That any unauthorised waste materials on the site shall be removed to a licensed waste or recycling facility to the satisfaction of North Ayrshire Council as Planning Authority.

6. That overburden and waste materials from the site shall be evenly graded, shaped, drained and properly screened to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the existing trees along the south-western boundary shall be retained and shall not be felled or lopped without the prior written approval of North Ayrshire Council as Planning Authority.

8. That no extraction, processing or despatch work shall be undertaken at the site outwith the hours of 06.00 to 19.00 Monday to Friday and 06.00 to 12.00 noon on Saturdays. Outwith these hours, activities shall be limited to maintenance, emergency works, dust suppression, pumping and testing of plant and equipment, all to the satisfaction of North Ayrshire Council as Planning Authority.

9. That all vehicular access from and egress to the B778 shall be made using the existing access road unless otherwise agreed in writing with North Ayrshire Council as Planning Authority. The first 25 metres of the access road shall be hard surfaced and sealed with a bituminous material at all times. Any potholes which emerge shall be repaired without delay to the satisfaction of North Ayrshire Council as Planning Authority.

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

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

12. That the site operators shall undertake all works to ensure that there are

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

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

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

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

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

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

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

19. That final site restoration shall be implemented and the works completed within 12 months of the completion of all quarrying operations or the date stated in condition 1 above, whichever is the sooner, to the satisfaction of North Ayrshire Council as Planning Authority.

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

21. That the aftercare scheme as detailed in Section 8 of the Planning and

Environmental Review shall be implemented following land reinstatement to the satisfaction of North Ayrshire Council as Planning Authority.

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

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

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

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

4. Ardrossan, Saltcoats and Stevenston

14/00593/PPPM: Site to West of First Avenue, Stevenston Industrial Estate, Stevenston

Clowes Developments (Scotland) Ltd, Estate Office, APL Centre, Stevenston Industrial Estate, Stevenston has applied for planning permission in principle for a residential development on a site to the West of First Avenue, Stevenston Industrial Estate, Stevenston. 96 letters of objection (92 of them in the form of standard pro-forma letters) were received, as detailed in the report.

Discussion took place on the proposed Section 75 Agreement and Transportation Assessment. The Senior Manager (Planning, Transportation and Regeneration) undertook, in the event of the application being granted, to report back to the Committee on these matters.

Councillor Marshall, seconded by Councillor McNicol, moved that the application be granted, subject to the conditions set out in the officer's report. As an amendment, Councillor Montgomerie moved that the application be refused on the grounds that he considered the Pre-Application Consultation arrangements to be flawed. There being no seconder, the amendment fell. There being no amendment, the motion was declared carried.

Accordingly, the Committee agreed to grant the application, subject to (a) 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) 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. That the proposed development shall be designed in accordance with the principles of the Scottish Government's "Designing Streets" and "Designing Places" policy documents and shall provide a minimum of 2 points of vehicular access from existing road network and multiple points of pedestrian access to the satisfaction of North Ayrshire Council as Planning Authority.

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

The Meeting ended at 2.35 p.m.