

Planning Committee
14 February 2012

IRVINE, 14 February 2012 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Elizabeth McLardy, Margie Currie, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, William Gibson, Ronnie McNicol, Pat McPhee and John Moffat.

In Attendance

R. Forrest, Planning Services Manager, J. Miller, Chief Development Management Officer, J. Michel, Senior Planning Officer, A. Craig, Senior Solicitor (Litigation), J. Law, Solicitor (Contracts and Conveyancing) and H. McGhee, Team Manager (Environmental Health) (Corporate Services); and A. Little, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16.

2. Minutes

The Minutes of the previous meeting of the Planning Committee held on 24 January 2012 were signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Deputations

North Coast and Cumbraes

11/00679/PPM and 11/00695/PP: Fairlie: Hunterston Construction Yard

SSE Renewables Developments Limited, 1 Waterloo Street, Glasgow have applied for planning permission in principle for (a) the erection of 3 wind turbines with a maximum tip height of 198.5 metres and ancillary infrastructure, including foundations, crane hard standings, access tracks, 3 temporary meteorological masts, transformers, underground cabling, sub-station, control building, welfare facilities and a temporary construction compound; and b) the erection of meteorological mast with a maximum height of up to 110 meters for a temporary period of 6 years at Hunterston Construction Yard, Fairlie. Thirteen objections have been received, as detailed in the report.

Mr Riddell, Fairlie Community Council, addressed the Committee in support of the objections. Mr Riddell advised that the original designation of Hunterston for industrial use was made on the basis of the unique deep water access with recognition of the potential considerable adverse environmental impacts. The application for a wind turbine test facility does not make use of or is related to the unique deep water and for that reason alone should be refused.

Mr Riddell expressed the view that the application is contrary to IND4 of the Local Plan in terms of the significant adverse visual impact and the potential impact of construction traffic through Fairlie in relation to noise, safety and amenity. The turbines would be higher than Goldenberry Hill and would be visible from many locations. A previous application for smaller turbines was refused and an appeal was dismissed by the Reporter and Scottish Ministers. There is limited current guidance or information available in relation to noise emissions from this kind of experimental technology and a reduction in the maximum noise emission levels should be applied. Reference was made to the planning history of the site and the temporary permissions in place which are renewed every 5 years. Mr Riddell suggested that a precedent would therefore be set by permitting the application and it was likely that further extensions would be granted.

Mr Donaldson, SSE Renewables, Ms Slack, Arcus Renewable Energy Consulting Ltd. and Mr Gillespie, Scottish Enterprise, then addressed the Committee in response to the objectors. Mr Donaldson advised that the project is to test prototype and new models of off-shore wind turbines. A number of sites had been considered and the site at Hunterston had been selected as the most suitable for a number of reasons including the availability of a grid connection, easy access to the test turbines and the low concentration of housing in the surrounding area. Deep water channels will allow for the shipping of the turbines from Denmark and Japan.

Ms Slack reported that the previous turbine application was in relation to a commercial wind farm for a period of 25 years. The intention is to use Hunterston as a test site and move the turbines off-site as quickly as possible. Work has been done with Environmental Health in relation to noise emissions and this will be rigorously monitored. Turbines could be slowed down or switched off if breaches of noise levels occur.

Mr Gillespie advised that the availability of a testing facility was a major factor in attracting Samsung to base its first European offshore wind project in Fife, thereby creating more than 500 new jobs in Scotland.

The Planning Services Manager then outlined the terms of the report, which recommended the application be granted subject to conditions detailed within the Appendix to the report.

He also advised that Largs Community Council had confirmed in writing that they had no objection to the application and confirmed receipt of a letter of objection from Councillor Marshall in terms of the significant adverse visual impact and the potential impact of construction traffic through Fairlie in relation to noise, safety and amenity. The Planning Services Manager further advised of a further condition in respect of a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception.

The Committee then had the opportunity to ask questions of the objectors, applicants and officers.

Councillor McLardy, seconded by Councillor Barr, moved that the application be refused for reasons of visual amenity.

As an amendment, Councillor Brown, seconded by Councillor McPhee, moved that the application be approved, subject to the conditions contained in the officer's report.

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

Accordingly, the Committee agreed (a) to grant application (Ref 11/00679/PPM), 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 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.

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 emissions, 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 emission 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 emission level shall be rated as detailed in ETSU-R-97pp 104-109, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That during night hours, defined in ETSU-R0-97 as 2300 to 0700 on all days, the wind turbine noise emission 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 Offshore Wind Turbine Test Facility Volume 1: Environmental Statement”. 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. This shall ensure that the LAeq, 8 hours at noise sensitive premises in the surrounding area does not exceed 45dB as a consequence of the development.

8. That during Quiet Waiting Hours, defined in ETSU-R-97 as 1800 to 2300 on all days, plus 1300 to 1800 on Saturdays and 0700 to 1800 on Sundays, the wind turbine noise emission level at any property lawfully existing or with planning permission at the time of this consent shall not exceed the ETSU-R-97 derived daytime noise limit of 35db LA90, 10min or the measured existing LA90, 10min noise level (as detailed in table “11.5: Daytime Operational Noise Limits” of the “Hunterston National Offshore Wind Turbine Test Facility Volume 1: Environmental Statement”) plus 5dB (A), whichever is the greater. In the case of locations not included in table 11.5 of the “Hunterston National Offshore Wind Turbine Test Facility Volume 1: Environmental Statement”, the limit for the nearest location listed shall apply, unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

9. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority, a 24 hour contact number to which complaints about noise nuisance can be made and any complaint shall be investigated within 24 hours of receipt, to the satisfaction of North Ayrshire Council as Planning Authority.

10. 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 measure the level of noise emissions from the turbine. The measurement and calculation of noise levels shall be undertaken in accordance with BS: EN (IEC) 61400-11:2003 (Wind Turbine Generator Systems – Part 11: Acoustic noise measurement techniques), or any subsequent update thereof, 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.

In the event that the total noise emissions of all turbines installed on the Development exceed the corresponding values presented in Tables 11.18 (during Quiet Daytime hours as defined in ETSU-R- 97) and 11.19 (during night hours as defined in ETSU-R-97) of the Environmental Statement, the operator or manufacturer(s) of the turbine(s) shall identify and implement such measures as are necessary to reduce the noise emission levels such that they are no greater than specified in Tables 11.18 (during Quiet Daytime hours as defined in ETSU-R-97) and 11.19 (during night hours as defined in ETSU-R-97)of the Environmental Statement.

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 emission 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 emission level shall be rated as detailed in ETSU-R-97 pp 104-109. In the event that the limits set out in conditions 7 and 8 are not met the operator or manufacturer(s) shall identify and implement such measure as are necessary to comply with the limit.

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

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

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

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

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

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

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

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

20. That prior to the commencement of the development the applicant shall submit a report to demonstrate any effects of 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 development shall not become operations until a scheme providing for the mitigation of any impacts of the operation of the development on TV, radio and telecommunication reception has been submitted to and approved in writing by North Ayrshire Council as Planning Authority. The scheme shall be implemented as approved and shall provide as follows:-

- i) a baseline reception survey to be carried out by a suitably qualified engineer prior to the commencement of turbine installation, the results of which shall be submitted to North Ayrshire Council as Planning Authority
- ii) a scheme of alleviation, including procedures for the handling of complaints and disputes, shall be included within this study which shall be agreed in writing by North Ayrshire Council as Planning Authority;
- iii) within 12 months of commissioning of the development, any claim by any individual person or business regarding loss of interference of reception, shall be investigated by a suitably qualified engineer and results submitted to North Ayrshire Council as Planning Authority;
- iv) should any impairment to reception be attributable to the wind turbines, the developer shall remedy such impairment to the scheme of alleviation as agreed, to remedy the impairment to the equivalent reception received at the baseline study.

For the avoidance of doubt the resolution of disputes shall be determined by an independent arbiter e.g. OFCOM or other Professional Body as appropriate.

and (b) grant application (Ref 11/00695/PP), subject to the following conditions:-

1. That the meteorological mast hereby approved shall be removed and the land reinstated to its former use on or before 14th October, 2017.
2. That the meteorological mast shall be fitted with 25 candela omni-directional red lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point, to the satisfaction of North Ayrshire Council as Planning Authority.

4. Isle of Arran

4.1 11/00838/PP: Lamlash: Clauchlands Road: Council Offices

North Ayrshire Council, Montgomerie House, West Byrehill Industrial Estate, Kilwinning, have applied for planning permission for an extension to an existing transport garage to form a new workshop including the demolition of a hut and a replacement roof to the existing garage at Clauchlands Road, Lamlash, Arran.

The Committee agreed to grant the application, subject to the following conditions, and subject to no significant objections being received before 15 February 2012:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.

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 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.

4.2 11/00856/PP: Kings Cross: Site to South West of Seaside

Robin Gray, Robin's Herbs, Kings Cross, Whiting Bay, Arran has applied for planning permission for the erection of a one and half storey detached dwellinghouse with associated drainage, access and parking at the site to the south west of Seaside, Kings Cross, Arran.

The Chief Development Management Officer advised of a further condition in relation to the provision of details of construction vehicles accessing the site (Condition 8).

The Committee agreed to grant the application, subject to (a) the applicant entering into a Section 75 Agreement to limit occupation of the dwellinghouse to persons employed in horticulture on the adjoining land, or a dependant of such persons; and (b) the following conditions:-

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details or samples of the proposed external finishes.

2. That, details of the boundary enclosures shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, any such details which may be agreed shall be implemented prior to the occupation of the dwellinghouse and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.
3. That, prior to the commencement of the development, full details of the foul drainage arrangements for the proposed dwellinghouse shall be submitted for the written approval of North Ayrshire Council as Planning Authority, which approved drainage arrangements shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority prior to the occupation of the dwellinghouse within the site. This shall include the carrying out of percolation testing on site to assess the suitability of the sub-soil for effluent disposal and all surface water shall be excluded from the septic tank.
4. 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 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 proposed development shall be provided with an adequate and wholesome water supply, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.
6. That, prior to the commencement of the development, details relating to the construction of passing places along the length of the private access road, shall be submitted for the written approval of North Ayrshire Council, as Planning Authority. The approved passing places shall be constructed prior to the occupation of the dwellinghouse, hereby approved and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.
7. That, within one month of occupation of the dwellinghouse or by the 14th February 2014, whichever date is the earlier, the unauthorised caravans shall be removed and the site restored to the satisfaction of North Ayrshire Council as Planning Authority.
8. That, prior to the commencement of the development, details of construction vehicles accessing the site, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. This shall include type and size of vehicles to ensure that the safety of the bridge is not compromised.

5. Ardrossan, Saltcoats and Stevenston

11/00840/PP and 11/00841/PP: Ardrossan: 10 & 14 Central Avenue

North Ayrshire Council, Technical Services, Perceton House, Irvine have applied for planning permission for the installation of new shop fronts at 10 & 14 Central Avenue, Ardrossan.

The Committee agreed to grant the application.

6. Irvine/Kilwinning

6.1 11/00746/PP: Kilwinning: Bridgend Lane: Site to Southeast of Eildon

Alistair McDonald, Eildon, 4 Bridgend Lane, Kilwinning has applied for planning permission for a change of use from open space to form garden ground at the site to the southeast of Eildon, 4 Bridgend Lane, Kilwinning.

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

1. That details of the proposed boundary treatment shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of works on site.

6.2 11/00834/PP: Irvine: Oldhall West Industrial Estate: 4-6 Metcalfe Place

North Ayrshire Council, Montgomerie House, West Byrehill Industrial Estate, Kilwinning have applied for planning permission for the part use of the site as a Cleansing Services Depot including the formation of roads/accesses, formation of a car park and provision of various portacabins for use as associated mess and office facilities at 4 - 6 Metcalfe Place, Oldhall West Industrial Estate, Irvine.

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

1. That adequate wheel washing facilities shall be provided to ensure that vehicles leaving the site shall not deposit deleterious material on public roads.

2. That prior to the commencement of the development, hereby approved, self certified details of 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. Such self certification shall be signed off by a suitably qualified person.

Thereafter that scheme shall be implemented prior to the completion of the development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority. In addition, prior to the commencement of the development, hereby approved, details of the proposed factor or management agency and a management plan, including a risk assessment for public safety, management responsibilities and maintenance schedules for the approved scheme, shall be submitted to, and approved in writing by North Ayrshire Council as Planning Authority. The management plan shall be carried out in accordance with the approved details unless the prior written approval of North Ayrshire Council as Planning Authority is obtained for any variation, and the agreed agency shall only be changed with the agreement of North Ayrshire Council as Planning Authority.

3. 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.

6.3 11/00832/PP: Irvine: Land to Northeast of Lamont Drive

Scottish Water, Leven House, Balmore Road, Glasgow have applied for planning permission for the erection of new access, outfall headwall and associated works at existing Combined Sewer Overflow (CSO) site at land to the north east of Lamont Drive, Irvine. One objection has been received, as detailed in the report.

The Committee, having considered the terms of the objection, agreed to grant the application.

6.4 11/00813/PP and 11/00854/LBC: Irvine: Trinity Church and Bridgegate

Irvine Bay Urban Regeneration Company, 43 Ardrossan Road, Saltcoats have applied for (a) planning permission for streetscape improvements to include repaving of Bridgegate with hard and soft landscaping, formation of stairs leading to Trinity Church, replacement street furniture, replacement lighting, installation of outdoor video screen, erection of replacement CCTV and public artwork; and (b) listed building consent for the partial demolition of the boundary wall to north of Trinity Church and the formation of stone stairs leading from Bridgegate; cleaning and repair of walls and paving at access ramp, to include vegetation removal and repointing; and installation of lighting adjacent to walls leading from Bridgegate at Trinity Church and Bridgegate, Irvine.

The Chief Development Management Officer advised of a further condition in relation to the provision of details of access arrangements for delivery vehicles (Condition 6)

The Committee agreed to grant (a) planning application (Ref 11/00813/PP) subject to the following conditions; and (b) listed building consent (Ref 11/00854/LBC) subject to (i) Section 12 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and (ii) the following condition:-

1. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

2. That, prior to the commencement of the development hereby approved, the developer shall submit full details of the replacement CCTV system for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall undertake the works only in accordance with the scheme as may be approved.

3. That, prior to the commencement of the development hereby approved, the developer shall submit full details of the video screen, and the arrangements for its future maintenance, for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall undertake the works only in accordance with the scheme as may be approved.

4. That, prior to the commencement of the development hereby approved, the developer shall submit full details of the siting of the church bells for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall undertake the works only in accordance with the scheme as may be approved.

5. That, prior to the commencement of the development, details of cycle parking for the area outside Trinity Church shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall undertake the works only in accordance with the details as may be approved.

6. That, prior to the commencement of the development, details of access arrangements for delivery vehicles to the front of Trinity Church shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the access arrangements as may be approved shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.

7. North Coast and Cumbraes

7.1 11/00708/PPPM: West Kilbride: Hunterston Estate: Goldenberry Farm

SP Transmission, Prenton, Merseyside have applied for planning permission in principle for the erection of a convertor station and sub-station for conversion and transmission of electricity at Goldenberry Farm, Hunterston Estate, West Kilbride. Two objections have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed, Councillor Barr dissenting, to grant the application, 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, including , groundworks and early implementation of tree planting, and means of access to the proposed development shall be obtained before the development is commenced. Any subsequent details submitted in relation to these matters shall accord with the Outline Design Framework of the Environmental Report accompanying this application.
2. That with regard to Condition 1 above, the applicants shall ensure that the design process seeks to minimise the height of the buildings as far as practicable.
3. That prior to the commencement of the development the applicants shall agree a Detailed Emergency Response Plan (DERP) with North Ayrshire Council as Planning Authority in consultation with the Nuclear Site Licensees and the Emergency Planning Consultative Committee, which shall include details of all emergency planning requirements for the site in construction and operational phases and options for consultation meetings if required. The DERP shall also provide details of plant location, heights and sizes, alerting and notification arrangements, muster points, shelter areas, emergency evacuation routes, arrangements with emergency services and emergency contact numbers etc., all to the satisfaction of North Ayrshire Council as Planning Authority.
4. That the routing of all construction traffic shall be subject to a "Traffic Management Plan" to be agreed by North Ayrshire Council as Planning Authority and Transport Scotland prior to the commencement of construction works; should the plan indicate that local roads require to be utilised and more than six one way HGV vehicles movements per hour are expected then the applicant shall reassess the impact on the local road network and carry out any infrastructure improvements deemed necessary; the B780/B781 Local Road Network is not considered an appropriate haul route for both construction and operational phases of the development.

5. That prior to the commencement of the development, including any demolition works, bat and otter surveys shall be undertaken and a Badger Protection Plan prepared, details of which shall be submitted for the written approval of North Ayrshire Council as Planning Authority, including proposals for implementation of any recommendations contained in the surveys and Badger Protection Plan.
6. That all ground or vegetation clearance works shall take place outwith the main bird breeding season, i.e. outwith the period April to July inclusive and prior to the demolition of Goldenberry Cottage and associated outbuildings, a barn owl survey shall be carried out to establish whether these buildings are being used as a roost or nest site by barn owls; the survey shall be carried out by an experienced licensed consultant and if owl usage is found the consultant shall advise on mitigation and the need for a licence, all to the satisfaction of North Ayrshire Council as Planning Authority.
7. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as planning authority details of proposals for the appointment of a suitably qualified Environmental Clerk of Works to ensure delivery of the ecological mitigation measures contained in the Environmental Report during the construction of the development.
8. That the Water Management and Pollution Prevention Procedures for the development shall be implemented in agreement with North Ayrshire Council as Planning Authority and any discharges from the site shall if possible avoid the Portencross Coast SSSI; prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a plan for the continued long term monitoring of discharges from the site to ensure that there are no detrimental impacts to the SSSI and that there is no long term reduction in quality of surface and ground water resources, all to the satisfaction of North Ayrshire Council as Planning Authority.
9. That prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as planning authority exact details of the proposed disposal of foul drainage from the development, both during construction and operation; the approved details including programming shall be implemented to the satisfaction of North Ayrshire Council as planning authority.
10. 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 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.

11. That prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as planning authority a Drainage Assessment prepared in accordance with the SUDS Working Party Guidelines "Drainage Assessment, A Guide for Scotland" which can be found on the SEPA website. The discharge of storm water from the development shall comply with the stipulated design criteria, current SUDS Design Guidance (CIRIA Report C521) and any requirements of Scottish Water. In addition the Drainage Assessment shall address the following: the effects of a 1 in 200 year storm and run off plus climate change, the effects of differing storm conditions shown on a site plan to ensure that no water enters buildings or restricts movement of emergency vehicles, including an assessment of flow routing of surface water through the site, a strategy for dealing with any field drainage affected by the works, and a maintenance regime for surface water drainage measures. All calculations shall be approved and certified by an appropriately qualified person.

12. That prior to the commencement of the development, hereby approved, the applicants 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 by PAN 33 and BS10175: 2001. 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.

13. That a detailed schedule of all mitigation measures, in accordance with the Environmental Report accompanying this application, including, where appropriate, timescales, shall be submitted in support of any subsequent application lodged in relation to Condition 1 above; the agreed mitigation measures shall form the basis of an Environmental Management Plan which shall be implemented during the construction and operation of the convertor station and sub station, to the satisfaction of North Ayrshire Council as planning authority.

14. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority.

Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of North Ayrshire Council as Planning Authority in agreement with the West of Scotland Archaeology Service.

7.2 11/00821/PP: Largs: 9 Sinclair Terrace

Mr E Head, 9 Sinclair Terrace, Largs has applied for planning permission for a change of use from open space to form garden ground at that address. Two objections have been received, as detailed in the report.

A site familiarisation visit was undertaken by the Planning Committee in respect of this application.

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

8. Tree Preservation Order: Main Road, Fairlie

Submitted report by the Solicitor to the Council confirming the Tree Preservation Order for mature trees at "Foxcote", 61 Main Road, Fairlie and "Beach House", Bay Street, Fairlie.

A proposal to serve a Tree Preservation Order in respect of the mature trees at "Foxcote", 61 Main Road, Fairlie and a specimen sycamore at "Beach House", Bay Street, Fairlie was made at the Planning Committee on 11th October 2011. A Tree Preservation Order was served on the owners of the affected properties, with an effective date of 2nd November 2011. A Public Notice was made concurrently through newspaper advertisement and the statutory period for receipt of objections has elapsed.

One letter was received seeking clarification in relation to the exact location of individual trees and enquiring why Fairlie Community Council had not received intimation of the Tree Preservation Order.

The report provided information on the site affected by the Order and clarified that all trees within the site will be protected by the Order. The Council has complied with all statutory intimation requirements and there is no requirement on the Council to serve an Order on a Community Council.

The Committee agreed to confirm the Tree Preservation Order approved by the Committee on 11 October 2011, in order to protect existing trees in the interest of the amenity of the area.

The meeting ended at 4.10 p.m.