

Planning Committee
16 March 2010

IRVINE, 16 March 2010 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Elizabeth McLardy, Robert Barr, Matthew Brown, Ian Clarkson, John Ferguson, Ronnie McNicol, Pat McPhee, John Moffat and Ryan Oldfather.

In Attendance

R. Forrest, Planning Services Manager, J. Miller, Chief Development Management Officer, A. Craig, Senior Solicitor and J. Law, Solicitor (Legal and Protective); and M. Anderson, Committee Services Officer (Chief Executive's Service).

Chair

Councillor McLardy in the Chair.

Apologies for Absence

Margie Currie and David Munn.

1. Declarations of Interest

In terms of Standing Order 16, Councillor McNicol declared an interest in Agenda Item 3 (10/00064/PP: Kilbirnie: 19 School Wynd: Area Office), and took no part in the discussion thereon.

2. Isle of Arran

09/00885/PP: Lamlash: Site to West of 11 Benlister Terrace

Trust Housing Association/Kenneth Bone, Pavilion 5, 345 Govan Hill Road, Glasgow, have applied for planning permission for the erection of 21 dwellinghouses with associated parking and infrastructure on a site to the west of 11 Benlister Terrace, Lamlash, Isle of Arran. 3 objections have been received, as detailed in the report.

The Chief Development Management Officer advised of the receipt of a verbal consultation response from Social Services and Health (Community Care and Housing), expressing satisfaction with the proposed development.

The Committee, having considered the terms of the objections, agreed to grant the application subject to (a) the applicants and the relevant bodies entering into a Section 75 Agreement to ensure that the residential development is made available for affordable housing (rental); (b) the applicants entering into a Section 75 Agreement or other suitable arrangement deemed appropriate by the Council to provide a commuted sum for the provision of or upgrading of play facilities in the locality; and (c) the following conditions:-

1. That, prior to the commencement of the development, the applicants shall submit for the written approval of North Ayrshire Council as Planning Authority exact details of all external finishes to the dwellinghouses, hard surfaces including parking areas and all boundary, plot and other enclosures.

2. That, prior to the commencement of the development, the applicants shall undertake a Flood Risk Assessment to demonstrate that the site is not at risk from a 1 in 200 year flood event, i.e., a flood with a 0.5% chance of being equalled or exceeded in any year, which shall take account of flooding from all sources as well as the latest government advice on climate change and address the requirements in Annex B of the SEPA – Planning Authority Protocol “Development at Risk of Flooding: Advice and Consultation”. Calculations shall also be provided to support the assertion that the small watercourses surrounding the site do not over top and that the watercourse downstream of the existing road culvert is capable of taking any increased flow which might arise due to the upgrading of the culvert and that this will not cause flooding downstream; the Flood Risk Assessment shall also address the need to ensure that adequate access is afforded to allow regular maintenance to be carried out on the watercourses, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, prior to the commencement of the development, the applicants shall undertake a Drainage Assessment which shall be prepared in accordance with the SUDS working party guidelines “Drainage Assessment, A Guide for Scotland” and 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 intensities over and above the 10 year return, the extents of differing flood 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.

4. That the transition from the proposed widened section of Benlister Road to the existing section of the road to the west of the site shall be tapered over 15m, to the satisfaction of North Ayrshire Council as Planning Authority.
5. That the internal road layout and Benlister Road along the entire site frontage shall be designed and prior to the occupation of the dwellinghouses constructed to adoptable standards in accordance with the Council Roads Development Guide, all to the satisfaction of North Ayrshire Council as Planning Authority.
6. That, prior to the commencement of the development, the existing ditch adjacent to Benlister Road shall be culverted to the satisfaction of North Ayrshire Council as Planning Authority.
7. 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.
8. 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.
9. That, prior to the occupation of any of the dwellinghouses and where Council adoption of open space areas is not to be pursued, there shall be submitted for approval of North Ayrshire Council as Planning Authority, details of the proposed factor or management agency and a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all open space areas. The landscape 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.

10. That no development shall take place until an inspection has been carried out by a suitably qualified person to determine whether any trees or plants on the site are used by roosting or hibernating bats. If required appropriate licenses shall be obtained and any mitigation measures deemed necessary undertaken to the satisfaction of North Ayrshire Council as Planning Authority; the results of the Bat Survey shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of the development.

3. Garnock Valley

10/00064/PP: Kilbirnie: 19 School Wynd: Area Office

Strathclyde Joint Police Board, 173 Pitt Street, Glasgow, have applied for an amendment to planning permission N/09/00422/PP to replace the storage building with a steel container at the Area Office, 19 School Wynd, Kilbirnie.

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

1. That the container hereby permitted shall be removed and the land restored to its former condition on or before 31.03.2015.

4. Irvine/Kilwinning

10/00084/LBC: Irvine: 21 Bank Street

Bank Street Dental Surgery, 21 Bank Street, Irvine, have applied for Listed Building Consent for the proposed installation of replacement windows to the front and side of the dental surgery at that address.

The Committee agreed to refuse the application on the following ground:-

1. That the proposed development would be contrary to Policy BE5 in the Adopted North Ayrshire Local Plan (Excluding Isle of Arran), as the appearance and style of the replacement windows would detract from the traditional features and character of the Listed Building.

5. North Coast and Cumbraes

09/00658/PP: West Kilbride: 26 Ritchie Street

W.S. Jamieson, 7 Snowdon Terrace, Seamill, West Kilbride, has applied for planning permission for a proposed change of use from office to form a dwellinghouse and shop unit, including alterations to the frontage, at 26 Ritchie Street, West Kilbride. 2 objections have been received, as detailed in the report. A representation has also been received from West Kilbride Community Council.

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

1. That the new window unit and entrance door to the dwellinghouse on Ritchie Street shall be of white painted timber finish, to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the occupation of the dwellinghouse, the shop unit shall be formed in accordance with the plans hereby approved, to the satisfaction of North Ayrshire Council as Planning Authority.

6. Extending Permitted Development Rights for Domestic Micro-Wind Turbines and Air-Source Heat Pumps: Consultation Paper

Submitted report by the Solicitor to the Council on the implications arising from a consultation paper on Extending Permitted Development Rights for Domestic Micro-Wind Turbines and Air-Source Heat Pumps, and on the Council's response to the Scottish Government.

The Scottish Government is seeking consultation responses on the extent to which planning control can be reduced by making domestic micro-wind turbines and air source heat pump microgeneration equipment 'permitted development'. The proposals seek to maintain adequate controls to prevent adverse impacts on neighbours and amenity generally, while realising the wider environmental benefits of CO2 emission reductions. The following four amenity safeguards are proposed, namely (i) a 100-metre distance criterion and a limit of one installation per dwelling, (ii) limitations as to protected sites, such as Conservation Areas, (iii) a prior notification procedure and (iv) a general amenity condition to minimise effects on amenity. The proposals for extending permitted development rights also rely upon the application of a Microgeneration Certification Scheme, to provide safeguards and assurances in circumstances where planning permission is not required.

Section 3 of the report provided further information on the proposals as they relate to domestic scale micro-wind turbines, anemometer masts, air source heat pumps and the possible cumulative effects of permitted development rights in combination. A summary of the proposals was provided at Appendix 1 to the report and Appendix 2 set out the Council's responses to the consultation exercise.

The Committee agreed to approve the comments set out in Appendix 2 to the report, as the Council's response to the consultation on Extending Permitted Development Rights for Domestic Micro-Wind Turbines and Air Source Heat Pumps.

7. Proposed Harbourside Development: Replacement Public Car Park

Submitted report by the Solicitor to the Council on proposed engineering works for the formation of car parking should planning consent for the wider proposals at Harbourside be granted and the development implemented.

At its meeting on 28 July 2009, the Executive of North Ayrshire Council approved the transfer of land currently used as public car parking at Harbourside, Irvine, to the Irvine Bay Urban Regeneration Company (URC) in order to facilitate the company's development proposals for the area. A major planning application in relation to these proposals will be submitted for consideration to a Special Council (Planning) in April 2010. The application does not fully provide for public leisure car parking spaces within the development site and, accordingly, the URC has been in discussion with the Council's Finance and Infrastructure Service and Planning Services to agree a satisfactory solution.

A replacement car park is proposed, the location of which is set out in Appendix 1 to the report. The car park, which has been designed to accommodate 115 cars will, together with the spaces provided within the URC's proposed development, satisfy the replacement car parking requirement for the area. It is proposed to construct the car park from grass road paviers, seeded to allow the car parking to blend in with the surrounding open space and minimise the need for excavation. The works, to be carried out by the Council's Finance and Infrastructure Service, would cost an estimated £99,200 and be fully funded by the URC. The Council's Education and Skills Service has agreed to adopt and maintain the car park.

The Committee agreed to proceed with engineering works for the formation of the car parking shown in Appendix 1 to the report, subject to planning application 09/00690/PPM being granted for the wider proposals at Harbourside and the development implemented.

The Meeting ended at 2.35 p.m.