

Planning Committee
26 October 2016

Irvine, 26 October 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, Robert Barr, John Bell, John Bruce, Ian Clarkson, Ronnie McNicol, Tom Marshall and Robert Steel.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Joe Cullinane.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 10 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of meetings of the Committee held on 21 September 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. 16/00852/PP: Eastland, Shiskine

Margaret M Currie, Sandwood, Blackwaterfoot, Arran has applied for the Removal of condition 1 of planning permission CH/01/98/0109 relating to occupancy restriction in respect of Eastland, Shiskine.

The Committee agreed to grant the application.

4. Garnock Valley

4.1 16/00814/PPP: Site to the East of 1 Kirkland Crescent, Dalry

At its meeting on 21 September 2016, the Committee considered an application from Mr W Ahmed, 17 Ayr Road, Glasgow for planning permission in principle for a residential development to the east of 1 Kirkland Crescent, Dalry. The Committee agreed to continue the application to the next meeting to allow the Committee to visit the site and surrounding area. The site familiarisation visit was held on 17 October 2016.

Councillor Barr, seconded by Councillor Bell, moved to refuse the application on the basis of loss of open space, road and pedestrian safety issues and the visual impact on the local area.

As an amendment, Councillor Ferguson, seconded by Councillor Brown, moved that the Committee approve the application, subject to the conditions within the report.

On a division, there voted for the amendment 3 and for the motion 4 and the motion was declared carried.

Accordingly, the Committee agreed to refuse the application on the following grounds:-

1. That the proposal would be contrary to Criteria 2 and 3 of Policy ENV12 of the Adopted North Ayrshire Local Development Plan as it would have an unacceptable impact on the amenity value of the passive area of open space and would set an undesirable precedent for further incremental loss of open space.
2. That the proposal would be contrary to Criteria a) and b) of the General Policy of the Adopted North Ayrshire Local Development Plan in that the loss of the landscaped area of open space at the visually prominent location would have a detrimental impact on the character, appearance and amenity of the surrounding area.
3. That the proposal would be contrary to Criterion d) of the General Policy of the Adopted North Ayrshire Local Development Plan in that it would have an adverse impact on road safety with the potential to conflict with the existing road configuration.

4.2 16/00855/ALO: Derrilin View, Gateside

Mr and Mrs J Maitland, Burnside Cottage, Gateside, Beith have applied for the Removal of Section 75 obligation relating to occupancy restriction in relation to Derrilin View, Gateside, Beith.

The Committee agreed to grant the application.

5. Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 6 Perceton Gate, Irvine

Submitted report by the Executive Director (Economy & Communities) on a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission.

Planning permission was granted on 13 May 2016 (ref: 16/00228/PP) for the extension to a shed, the siting of (non-residential) static caravan with viewing platform and a retrospective part change of use from agricultural land to equine use. The permission was granted subject to several conditions including Condition 3, which states that within 6 weeks of the date of the decision the first 5 metres of the access road shall be hard surfaced in order to prevent loose material and surface water issuing from the access onto the public road, in the interest of road safety.

The Council received a complaint following the expiry of the 6 week period, that several conditions attached to the permission had not been met. Inspections in July and September 2016 revealed that conditions, including Condition 3, had not been complied with. The first 5 metres of the access had not been hard surfaced. The owner was again written to and advised that it was now the Council's intention to seek authority for the issue of a Breach of Condition Notice. There was again no response received.

The Committee agreed to approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission 16/00228/PP.

6. Consultation On Proposed Removal of Various Public Call Boxes

Submitted report by the Executive Director (Economy & Communities) on an ongoing consultation on the proposed removal of various Public Call Boxes by British Telecom.

The Council was notified on 5 September 2016 by British Telecom of their intention to remove thirty two public payphone call boxes in the North Ayrshire Council area which they have identified as being no longer required given low numbers of calls made over the preceding 12 month period and the increasing provision of the emergency services network coverage by mobile phone network providers. BT would not remove any phone box where there is a reasonable need, including where it is the last payphone within 800m and has had at least 12 calls within the last 12 months.

A list of the affected locations was attached as an appendix to the report. The Council has the right to object to any removals, although there is no prescribed list of grounds of objection in the OFCOM regulations. The overall closing date for the 90 day consultation period is 3 December 2016 and there is no further right of objection following this date.

It was noted that amongst the 32 call boxes proposed for removal, some appeared to have had a reasonable level of use in the last 12 months including 8 which had over 100 calls. No information was supplied giving details of locations of alternative phone boxes within an 800m radius of these, which would remain available.

The Committee agreed to continue consideration to seek further information from BT on the location of alternative call boxes within 800m of those proposed to be removed, which could absorb the volume of calls had in the last 12 months in the event of removal.

The meeting ended at 2.35 p.m.