

Planning Committee  
1 June 2016

**Irvine, 1 June 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, Joe Cullinane, Tom Marshall and Robert Steel..

**In Attendance**

J. Miller, Senior Manager (Planning) (Economy and Communities); A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's).

**Chair**

Councillor Brown.

**Apologies for Absence**

Ronnie McNicol.

**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 meeting of the Committee held on 27 April 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

**3. Irvine and Kilwinning**

**16/00070/PPM: Site 21, Crompton Way, North Newmoor Industrial Estate, Irvine**

Dawn Homes Ltd. & Toscafund (Compton Way) has applied for planning permission for the erection of 144 no. semi-detached and terraced houses with associated landscaping and infrastructure at site 21, Crompton Way, North Newmoor Industrial Estate, Irvine. One representation was received as detailed in the report.

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

1. That prior to the submission of any subsequent applications for future development phases, within the area outlined in blue, in the Location Plan (Ref. 3382 - AL(0)002), hereby approved, a detailed masterplan prepared together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority. The detailed masterplan shall take into account the findings of any further intrusive site investigations, archaeological investigations and the SuDS scheme.

In addition, the detailed masterplan and development brief shall take into account the principles of the Scottish Government's 'Designing Streets' and 'Designing Places' policy documents to the satisfaction of North Ayrshire Council as Planning Authority.

Thereafter, the details contained in any future planning application(s) shall accord with the detailed masterplan and development brief as may be approved, to the satisfaction of North Ayrshire Council as Planning Authority.

2. 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.
3. 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.
4. 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 pond 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 2 above.

5. That, prior to the commencement of the development, details of phasing shall be submitted for the written approval of North Ayrshire Council, which shall incorporate phasing details for off-site infrastructure works, SuDS, tree planting and open space provision. Thereafter, the development shall be implemented only in accordance with such phasing as may be agreed with North Ayrshire Council as Planning Authority, unless otherwise agreed in writing.
6. 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 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.
7. 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 the 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.
8. That, prior to the commencement of the development, hereby approved, full details of proposed 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.

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.

9. That prior to the commencement of development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority details of the scheme for the delivery of a 15% affordable housing contribution in accordance with Policy RES 4(Affordable Housing) contained within the adopted Local Development Plan. 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.
10. That the noise mitigation measures contained within the Noise Impact Assessment, 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 implementation. Notwithstanding this, prior to the commencement of the development hereby approved, a detailed specification and position of the acoustic fence as detailed in Appendix C of the Noise Impact Assessment, shall be submitted to and approved in writing by North Ayrshire Council as Planning Authority.
11. 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.
12. 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.
13. That, prior to the commencement of the development, a drainage strategy and plan for Phase 1 and 2 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. For the avoidance of doubt, the drainage strategy and plan shall be in accordance with the master plan as may be approved under the terms of Condition 1 above.

14. 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.
15. That the recommendations contained within the site investigation report (Project Reference Number P15-409), 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 implementation. For the avoidance of doubt, this shall include the installation of ground gas protection measures and any soils deposited on site, in garden or amenity areas shall be free from contamination and suitable for use.

#### **4. Irvine and Kilwinning**

##### **16/00243/PP: 23 Fullarton Street, Irvine**

Catherine Walker, 25 Fullarton Street, Irvine has applied for change of use from Class 1 (retail) to Class 3 (food and drink) incorporating hot food takeaway and installation of ventilation extraction system at 23 Fullarton Street, Irvine. Two letters of objections had been received as detailed in the report. Five pro-forma letters in support of the application were also detailed in the report.

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

1. That the hours of operation for the sale of hot food at the premises shall be only between the hours of 0700 and 1800 on any day unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
2. That, prior to commencement of the use hereby approved, the extraction system as detailed on drawing Ref: C/2302 shall be installed and operational, when the premises are in use, and thereafter maintained to the satisfaction of North Ayrshire Council as Planning Authority.
3. That the noise from the operation of extraction system hereby approved shall not cause nuisance to occupiers of nearby noise sensitive properties. For the avoidance of doubt: -
  - a) That the noise level from the unit when measured in a habitable room within a noise sensitive property shall not exceed 35dB(A)LEQ(1 hour) between the hours of 07:00 to 23:00 and shall not exceed 30dB(A)LEQ(15 mins) between the hours of 23:00 to 07:00.

- b) That using the principles set out in BS4142: 2014 Method for Rating and Assessing Industrial and Commercial Sound the rated noise level from the operation of the proposed unit, when measured outdoors, shall not exceed the background level by 5dB(A) or more at a suitable location within the grounds of any noise sensitive property.

## **5. North Coast and Cumbraes**

### **16/00321/PP: 25 Caldwell Road, West Kilbride**

Mr Roger Woods has applied for planning permission for the erection of an infill conservatory to the rear of the upper floor of a detached dwelling house at 25 Caldwell Road, West Kilbride. One letter of objection and a letter of representation were received as detailed in the report.

The Committee agreed to grant the application.

## **6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 17 Howden Avenue, Kilwinning KA13 7AQ**

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 (Wasteland Notice) in relation to the land at 17 Howden Avenue, Kilwinning.

The garden ground of the property, particularly to the side and front, has been used for dumping of what appears to be household items, building, garden and general waste. The property appears to currently be vacant and it is not clear if the waste relates to this property although allegations of dumping from other sites have been made. The condition of the land, due to the accumulation of refuse, has a significant adverse impact on the amenity of the local area.

The Council has received several complaints regarding the site. The owner of the land was requested in writing to clear the site and confirm intentions for the site. No response was received. Further inspections were carried out in March and April 2016 where it was revealed that the refuse had not been removed and further dumping appeared to have occurred. Further letters were sent to the owner requesting clearance. However, no response has been received.

The Committee agreed to approve the serving of a Notice under Section 179 of the town and Country Planning (Scotland) Act 1997 requiring the removal of all refuse from the land at 17 Howden Avenue, Kilwinning.

**7. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: Windyhill, Benslie, Kilwinning KA13 7QY**

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (ref: 14/00421/PP) which requires that prior to commencement of the development details of a 1.8m high obscure glazed panel, or similar screening, to be installed on the northern elevation, be submitted for approval of the Council, as Planning Authority. Any agreed details shall be installed and retained thereafter. Details of a 4 metres x 2 metres reed and wicker fence panel, folded so that the panel was double thickness, sited along the northern elevation of the boundary, was submitted and approved by the Council 18 August 2014.

The Council received a complaint in August 2015 that the balcony had been constructed but the screening had not been installed. An inspection revealed that the screen had not been installed and the owners were contacted in writing. They advised that it would be installed shortly. A subsequent inspection of the property revealed that a panel had been placed on the balcony. The report provided details of actions taken by the owners and correspondence relating to the condition for a full width screen with no gaps. The Council has received further complaints of the balcony in use without the required screen. As the screen has not been installed and maintained, Condition 1 is found to be in breach.

The Committee agreed to grant authority for the service of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (14/00421/PP).

**8. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: West Mayish Cottage, Brodick, Isle of Arran KA27 8BX**

Submit report by the Executive Director (Economy & Communities) on a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to a planning permission (ref: 07/00787/PP) requiring that within one month of the completion or the occupation of the dwellinghouse, whichever is sooner, the existing caravan on the site be removed and the land reinstated to its former condition. The building was completed on 28 December 2009.

The Council received a complaint in 2010 that the caravan had not been removed. In November 2010 the owner advised the Council that the caravan had been removed. Further complaints were received that the caravan remained in situ and there is no evidence of the caravan having ever been removed. The report provided details of correspondence and conversations with the owner

The Committee agreed to grant authority for the service of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission (07/00787/PP) requiring that within one month of the completion or the occupation of the dwelling house, whichever is the sooner, the existing caravan on the site be removed and the land reinstated to its former condition.

#### **9. Stopping Up Order: B714 (Girthill Farm, Saltcoats - Tower Farm, Dalry)**

Submit report by the Executive Director (Economy & Communities) on an order stopping up an existing section of the B714 which would be bypassed by a road improvement scheme.

The upgrading of the B714 will result in the diversion of the existing road onto agricultural land to the west of Girthill Farm and Yonderhouses Farm. The new road would tie-in to the existing road to the north of Yonderhouses Farm and also to the south of Girthill Farm. The existing road would remain available for farm access purposes, but would no longer be included in the list of adopted roads.

The Committee agreed to make an order under Section 207 and 208 of the Town and Country Planning (Scotland) Act 1997 stopping up the length of the existing B714 which would be bypassed as a result of the new diverted route which is to be constructed by the Council, the order to come into effect upon the completion of the new road.

The meeting ended at 2.35 p.m.