

Planning Committee
27 April 2016

Irvine, 27 April 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); A. Craig, Team Manager (Litigation) and A. Little, Committee Services Officer (Chief Executive's).

Chair

Councillor Brown.

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 23 March 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

15/00778/PPM: Site to east of West Bankside Farm, Kilbirnie

Muir Homes Limited, Muir House, Belleknowes Industrial Estate has applied for planning permission for the erection of 200 dwellinghouses including the formation of associated roads, footpaths, SuDS pond and open spaces at the site to the east of West Bankside Farm, Kilbirnie. Seventeen letters of representation were received, as detailed in the report. An objection had also been received from Councillor Dickson in respect of road and traffic issues which had already been considered within the report.

The application was continued from the previous meeting to allow for further discussion with the developer in relation to (i) road and traffic issues at Largs Road, Kilbirnie; and (ii) the proposed suitability of the housetypes along the Largs Road frontage within the proposed development. On 31 March 2016, the applicants together with their agent met with Officers to discuss these issues, and thereafter submitted:-

- Detailed drawings indicating further road calming measures along Largs Road. A planning condition has been added to ensure that the proposed traffic calming measures, as shown on the submitted drawing, accord with the RCC submission.
- Revised plans substituting the proposed semi-detached and terraced properties along the site frontage at Largs Road with bungalows. The proposed bungalows would be accessed from driveways off Largs Road; and
- A landscape plan detailing the structure planting along the western site boundary.

The Committee agreed (a) to grant the application subject to (i) that the permission clearly details the agreed replacement of 2 or 3 storey houses with 10 bungalows on Largs Road, Kilbirnie; and (ii) the conditions detailed below.

1. 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.
2. 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.
3. 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 1 above.

4. 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.
5. 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.
6. 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.
7. 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.

8. That, prior to the commencement of the development, hereby approved, confirmation shall be submitted in writing to North Ayrshire Council as Planning Authority and certified by a suitably qualified person that a scheme to treat the surface water arising from the site has been prepared in accordance with the principles and practices contained in 'The SuDS Manual' (CIRIA report C753, published November 2015). For the avoidance of doubt, this shall include calculations to demonstrate a reduction in surface water flow from the development below the green field run-off rate for the written approval of North Ayrshire Council as Planning Authority. 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.
9. That, during the implementation of the development hereby approved all recommendations contained within the report titled " Proposed Residential Development Largs Road, Kilbirnie Flood Risk Assessment and Drainage Strategy " by Dougall Baillie Associates dated March 2015 shall be implemented to the satisfaction of North Ayrshire Council as Planning Authority.
10. 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.
11. That the first 2 metres of the driveways, measured from the heel of the footway 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 prior to the occupation of the dwellinghouses hereby approved, a minimum parking provision of 2 spaces for two/three bedroom houses and 3 spaces for four/five bedroom houses; shall be provided within the curtilage of the site and thereafter retained to the satisfaction of North Ayrshire Council as Planning Authority. For the avoidance of doubt, a garage will constitute 1 parking space and should be retained as such unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.
13. That the paths connecting the site with School Road and Largs Road shall be constructed to a multi user and all abilities access standard to the satisfaction of North Ayrshire Council as Planning Authority.

14. 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, sections through the site to demonstrate both details of finished floor levels and ground levels within the development.
15. That any subsequent Road Construction Consent application shall accord with the approved plan titled Site Access Option 1 dated 7 April 2016 (ref. 15027-SK-05), unless otherwise agreed in writing by North Ayrshire Council as Planning Authority.

4. North Coast and Cumbraes

16/00124/PP: Site To The North East Of Wee Minnemoer

Comsol Energy Limited has applied for planning permission for the installation of a photovoltaic solar farm with an output of up to 5MW and associated infrastructure at the site to the north east of Wee Minnemoer, Millport, Isle of Cumbrae. Forty-one letters of objection and one letter of support were received, as detailed in the report.

At the meeting on 9 March 2016, the Committee agreed that the application be called in and determined by the Planning Committee and not by Officers under delegated powers. The Committee was advised that a site familiarisation visit had been requested to allow Members to view the site and surrounding area. The visit was held on 25 April 2016.

The Committee was advised of an objection received from Councillor Gallagher in respect of the adverse effects on the landscape and ecology of the island, topology and views on and off the island which had already been considered within the report.

The Committee agreed, subject to the applicant entering into a Section 75 Agreement in respect of (i) a restoration bond; and (ii) an additional condition in relation to the timescale for the construction of the solar farm (Condition 11), to grant the application, subject to the conditions detailed below; and (b) in the event that the applicant does not agree to the Section 75 Agreement that the application is continued to a future meeting of the Committee for consideration.

1. 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, details of the proposed design, location and external finishes for the supporting infrastructure, including control room, inverter cabin, customer cabin, access road and tracks, turning areas and parking. The approved external finishes shall be installed and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, details of the security fence and CCTV system shall be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any works. Thereafter, the approved fencing shall be implemented prior to the coming into use of the solar farm and thereafter maintained, all to the satisfaction of North Ayrshire Council as Planning Authority.

3. That, the rated noise level as defined in BS 4142:2014 of the proposed plant and ancillary equipment shall not exceed the existing background noise level by 5Db(A) or more at the curtilage of nearby noise sensitive premises, to the satisfaction of North Ayrshire Council as Planning Authority.
4. That, prior to the commencement of the development, full details of the connection to the national grid, including the requirement for any on site or off site infrastructure shall be submitted for the written approval of North Ayrshire Council as Planning Authority.
5. That, the developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to North Ayrshire Council as Planning Authority, during all ground disturbance. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record, recover and report items of interest and finds. A method statement for the watching brief will be submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority prior to commencement of the watching brief. The name of the archaeological organisation retained by the developer shall be given to North Ayrshire Council as Planning Authority and to the West of Scotland Archaeology Service in writing not less than 14 days before development commences.
6. That, within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar facility coming into operational use, whichever is the sooner, the solar PV panels, frames and all associated structures and fencing, hereby approved shall be removed from the site. Thereafter the site shall be restored in accordance with a scheme of restoration to be approved in writing by North Ayrshire Council as Planning Authority prior to the cessation of the operation of the site.
7. That, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority, the applicant shall construct and operate the development in accordance with the provisions of the application, the supporting reports (planning statement, traffic and access statement, landscape and visual assessment, environmental report, ecological appraisal and archaeological report) and submitted plans and shall fully implement the mitigation measures contained within the submission to the satisfaction of North Ayrshire Council as Planning Authority. For clarification, details of the boundary planting along the western and north-western boundaries of the site shall be submitted for the prior written approval of North Ayrshire Council as Planning Authority.
8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking or re-enacting that Order) the express approval of North Ayrshire Council as Planning Authority shall be required in respect of any development including the erection, extension, rearrangement or alteration at the site of fixed plant or machinery, buildings, structures, or private ways.

9. That, a road condition survey in conjunction with a North Ayrshire Council Roads Inspector shall be carried out prior to the work commencing on site and after the work is completed. The development shall be completed in strict accordance with the approved Traffic and Access Statement to the satisfaction of North Ayrshire Council as Planning Authority.
10. That, the proposed passing places to be provided along the U36 Inner Circle Road, shall be constructed as permanent fixtures, unless otherwise agreed in writing by North Ayrshire Council as Planning Authority. For the avoidance of doubt, the passing places shall be formed prior to the commencement of the solar farm development.
11. That, no HGV vehicles shall access the solar farm site during the peak tourist season (June, July and August), unless otherwise agreed in writing with North Ayrshire Council as Planning Authority.

5. Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997: 115 Bank Street, Irvine KA12 0PT

Submitted report by the Executive Director (Economy & Communities) seeking authority to serve 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: 13/00083/PP), in respect of 115 Bank Street, Irvine.

On the 23 March 2016, the Planning Committee determined to continue consideration of a report relating to non-compliance with a planning condition at 115 Bank Street, Irvine KA12 0PT. The property is operated as a vehicle repair garage. Condition 3 of planning permission dated 17 June 2003 (ref: 03/00083/PP) and the non-compliance relates to operating outwith the permitted hours of 8.00am and 6.00pm Monday to Saturday and 10.00am and 6.00pm on Sundays. Consideration of the report was continued in order to allow the operator of the garage the opportunity to apply for planning permission to vary the hours of operation.

The operator has been advised by Planning of the need to comply with the permission and the right to apply to vary the permitted hours. The Council's Business Support Team has also contacted the operator and provided the necessary forms and guidance. However, to date an application has not been received.

In the interests of the amenity of the area, it was proposed to issue a Breach of Condition Notice requiring the following in respect of planning permission dated 17 June 2003 (ref: 03/00083/PP): (i) Operate the garage business only within the following hours; 08.00 to 18.00 Monday to Saturday and 10.00 to 18.00 Sundays as required by Condition 3. It was proposed that the compliance period be within 6 weeks from the date of issue of the Notice.

The Committee agreed, in the interest of protecting the amenity of the area, to (a) grant authority for the service of a Notice Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with a condition attached to planning permission 03/00083/PP; and (b) that the Breach of Condition Notice require compliance within the statutory minimum period of 28 days and would be served with immediate effect.

6. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997: 40 Ritchie Street, West Kilbride KA23 9HF

Submitted report by the Executive Director (Economy & Communities) seeking authority to serve a Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance of land for the abatement of the adverse impact on the local area.

The Council has received several complaints regarding the site. An inspection of the land in January 2016, revealed that refuse had been dumped on site. The owner of the land was requested in writing to clear the site and confirm intentions for the site. The owner contacted the Council to confirm that the site would be cleared by the week beginning 7 March 2016. This work was not done and further dumping appears to have been carried out. Environmental Health is investigating as to whether or not the dumping has caused an infestation of vermin. The owner has been advised that the Council is now considering formal enforcement action requiring clearance of the site. To date no response has been received.

It is considered that the owner has been given adequate opportunity to alleviate the harm caused by the condition of the land. The required works have not been undertaken and the condition of the land continues to cause harm to local amenity.

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 alleyway to the east of the buildings.

7. New North Ayrshire Shopfront Design Guidance

Submitted report by the Executive Director (Economy & Communities) on the draft North Ayrshire Shopfront Design Guidance, which was appended at Appendix 1 to the report. The purpose of the draft guidance is to highlight principles of good shopfront design and to assist and encourage applicants to sympathetically restore, change or build new shopfronts. The guidance addresses key issues from choosing appropriate finishing materials and signage to appropriate security measures. The draft guidance consolidates the Council's position on shopfront design, replacing three separate guidance documents with one.

The Committee agreed to (a) adopt the North Ayrshire Shopfront Design Guidance as planning guidance; and (b) delegate authority to the Executive Director (Economy and Communities) to make non-significant editorial changes to the guidance from time to time.

8. Revocation Order to Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport

Submitted report by the Executive Director (Economy and Communities) on the proposed revocation of Millport No. 1 Tree Preservation Order (TPO) for trees at Howard Street/Church Hill, Millport.

Following receipt of two tree work applications at 16 and 18 Bute Terrace, the Council's Arboricultural Officer (Place) reported on the poor and deteriorating condition of trees in the locality. Most of the trees, covered by the group TPO, were in poor condition as a direct result of past poor pruning works and as a result exhibit weakly attached regrowth, which is typical of a type of heavy crown reduction. All of the trees are within the Millport Conservation Area and therefore receive a degree of statutory protection. It is considered that the current poor and continuing deterioration of the trees has a negative impact on the local amenity, and therefore the TPO is no longer merited in terms of amenity.

The Committee agreed to authorise the serving of a Revocation Order for the Millport No. 1 Tree Preservation Order at Howard St/Church Hill, Millport on the owners of the site.

The meeting ended at 3.00 p.m.