

Planning Committee
31 August 2016

Irvine, 31 August 2016 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, Robert Barr, John Bell, John Bruce, Joe Cullinane, 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

John Ferguson.

1. Chair's Remarks

The Chair agreed, in terms of Standing Order 9.3, to vary the order of business to allow earlier consideration of Agenda Item 6.2 (16/00561/PPPM: Site to the North West of Chapelton Mains, Seamill).

2. 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.

3. Minutes

The accuracy of the Minutes of meeting of the Committee held on 10 August 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. 16/00561/PPPM : Site To North West Of Chapelton Mains, Seamill, West Kilbride

Hope Homes (Scotland) Ltd, have applied for planning permission in principle for the erection of a residential development with associated access roads, open space, landscaping and other required infrastructure at the site to the north west of Chapelton Mains, Seamill. Sixty letters of objection were received, as detailed in the report.

Ms K McCallum (objector) and Mrs D Murray (objector) addressed the Committee in support of their objections.

Ms McCallum advised that the existing infrastructure within the village would be unable to cope with the level of housing outlined within the Local Development Plan (LDP). Traffic congestion is already an issue within West Kilbride and the addition of 124 houses would exacerbate the congestion. The local school, Doctors Surgery and Dentist are at maximum capacity and would be unable to accommodate such an increase in population.

Mrs Murray commented that a long term Strategic Plan was required for West Kilbride. The village has adequate provision of 3 and 4 bedroom homes and requires affordable housing to meet the needs of the community. West Kilbride has a large elderly population who require ground floor flats and bungalows to allow them to downsize but remain within their community. She advised that a Housing Needs Assessment was required to ensure appropriate housing provision for West Kilbride. Mrs Murray added that the Council has made no budgetary provision to address traffic management in the Traffic Management Plan. The local primary school is already at capacity and the noise level in the open plan environment requires some pupils to wear ear defenders. Concerns in relation to drainage and flooding were also expressed.

Mr S Graham (McInally Associates Ltd) on behalf of the applicants, Hope Homes, then addressed the Committee in response to the issues raised.

He advised that the planning application accords with the Local Development Plan. A number of reports were provided in support of the application and included a Pre-Application Consultation Report, a Transport Assessment, an Outline Masterplan and Drainage Strategy Report. The objections raised have been acknowledged and addressed within the reports or by the conditions recommended by the planning officer. He stated that the proposal accords with the relevant policies and there are no sound planning reasons for refusal.

Members then asked questions of the objectors and the applicants, and received further clarification on the following:-

- objections were made from the community to the Local Development Plan's proposed allocation of land for housing;
- the view of the objectors that there had been a short period of time for consultation;
- the capacity of West Kilbride Primary School and roll projections for St. Peter's Primary School, and local secondary schools; and
- consultation with the local community on the range of housing for the site.

The Senior Planning Services Manager then outlined the terms of the planning report and Members had the opportunity to ask further questions and received clarification on the following:-

- that the Reporter did not find that there had been insufficient consultation in relation to the Local Development Plan;
- a late objection that had been received but already addressed in the report;
- Condition 4 that requires to be amended due to applicant having provided the investigative survey;
- the removal by the Council of areas previously allocated for housing in the LDP and the reinstatement of these areas by the Reporter;
- the capacity of local schools that required to be assessed in terms of the school roll and projections over future years;
- that no concerns were expressed by NHS Ayrshire and Arran in respect of the capacity of health services in West Kilbride during the LDP engagement process;
- the phasing of the development over a 9 year period; and
- subsequent applications in respect of the design and style of housing that would be presented to the Planning Committee for consideration.

Councillor Bruce, seconded by Councillor Barr, moved that the application be continued to allow for a site visit to the site and the village centre.

As an amendment, Councillor Steel, seconded by Councillor Bell, moved that the Committee approve the application, subject to the conditions within the report (with the exception of the reference within Condition 4, relating to the investigative survey).

On a division, there voted for the amendment 6 and for the motion 2, and the amendment was declared carried.

Accordingly, the Committee agreed (a) to grant planning permission in principle, subject to the following conditions:-

- 1 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a programme of archaeological works in accordance with a written scheme of investigation, the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the developer shall ensure that the approved 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.
- 2 That prior to the submission of the first application for the approval of matters specified in conditions (MSC) a scheme to treat the surface water arising from the site in accordance with the principles and practices contained in CIRIA's SuDS Manual (C753) (published 11th November 2015), the results of which shall inform the layout of the detailed masterplan required by Condition 4, shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme as may be approved shall be implemented during the course of development and maintained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

- 3 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed flood risk assessment (FRA) which identifies the areas of the site at risk of flooding, taking into account the impact of the development on flood risk elsewhere, shall be submitted for the approval of North Ayrshire Council as Planning Authority. Thereafter, the FRA as may be approved shall inform the layout of the detailed masterplan required by Condition 4. For the avoidance of any doubt, no built development or infrastructure should be located within the 1 in 200 year functional floodplain.
- 4 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), a detailed masterplan together with a development brief shall be submitted for the approval of North Ayrshire Council as Planning Authority with regard to the siting, design and external appearance of, landscaping and means of access to the proposed development. For the avoidance of doubt the detailed masterplan shall take into account archaeological investigations, the detailed SuDS scheme and flood risk assessments required by conditions 1, 2 and 3 respectively, and shall incorporate details in relation to:
 - the means of access to the site, including at least one vehicular connection from the public road network into the site and at least two multi-user links including links into the wider settlement of West Kilbride;
 - the street layout;
 - all hard and soft landscaping;
 - areas of open space; and
 - areas for children's play.

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 the MSC 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.

- 5 That prior to the submission of the first application for the approval of matters specified in conditions (MSC), details of proposed affordable housing contributions shall be provided. For the avoidance of doubt a contribution rate of 25% will be applied to those units associated with the private housing site.
- 6 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.

- 7 That prior to the commencement of the development hereby approved, the developer shall submit a Construction Management Strategy Plan for the written approval of North Ayrshire Council as Planning Authority to include details of routing arrangements for construction traffic. For the avoidance of doubt, the Strategy shall be designed to reduce potential adverse impacts on road safety and to minimise potential disruption and congestion for road users, pedestrians and local residents. Thereafter, the development shall progress in accordance with the Construction Management Strategy Plan as may be approved unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 8 That prior to the commencement of the development hereby approved, the developer shall submit a Phasing Plan for the written approval of North Ayrshire Council as Planning Authority to include all land within the application site, and the development shall progress in accordance with the approved Phasing Plan unless North Ayrshire Council as Planning Authority gives written consent to any variation.
- 9 The applicant must demonstrate that the increased road traffic, generated as a result of this development, shall not have a detrimental effect on local air quality or result in an increase in concentrations of atmospheric pollutants such that statutory Air Quality Objectives would be exceeded at any location of relevant public exposure.

Councillor Cullinane left the meeting at this point.

5. Isle of Arran

16/00545/PP: Cottages 1, 3 & 4 Kilmichael Country House Hotel

Mr Botterill, Kilmichael Country House Hotel, Brodick, Isle of Arran has applied for an amendment to planning permission N/05/00248/PP for a change of use from holiday letting cottages (cottages 1, 3 and 4) to permanent dwellinghouses in respect of condition 7 of planning permission N/05/00248/PP. One letter of support was received as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continue the application to the next meeting to allow a site visit to take place and for further discussion to take place with the applicant on a range of other options in respect of the application. The applicant has since advised of their intention to withdraw the application. Therefore the arrangements for the site familiarisation visit were continued awaiting clarification of the applicants intentions with regard to the application.

The Committee was advised that the applicant had withdrawn the application.

Noted.

6. Garnock Valley

6.1 16/00632/PP: Lintseedridge Farm, Dalry

Mrs Sheena Harper per Bryce Boyd Planning Solutions, Ellersleigh, Castlehill Road, Kilmacolm has applied for the removal of Condition 4 of permission no. CH/82/0151 to allow occupancy of a non-agricultural worker at Lintseedridge Farm, Dalry.

The Committee agreed to grant the application.

6.2 16/00698/PP: 67 Stoopshill Crescent, Dalry

Mr James Taylor, 67 Stoopshill Crescent, Dalry has applied for planning permission for the formation of stairs to rear of semi-detached dwelling house, to include a reduced platform area and trellis screen at 68 Stoopshill Crescent, Dalry. A representation was received as detailed in the report.

The Committee agreed to (a) grant the application, subject to the following condition; and (b) to take Enforcement Action, if the unauthorised structure is not removed:-

1. That within 3 months of the date of this permission, details of the screen to be installed on the north-west elevation of the landing platform shall be submitted for the written approval of North Ayrshire Council as Planning Authority. The screen as may be approved shall be erected as part of the modification works hereby approved and shall be retained permanently, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. Irvine and Kilwinning

16/00638/PP: Middleton Farm, Perceton Gate, Irvine

Mr Trevor Hamilton, Middleton Farm, Perceton Gate, Irvine has applied for the removal of Conditions 3 and 4 of permission ref. N/03/00035/PP (occupancy restrictions) at Middleton Farm, Perceton Gate, Irvine, as detailed in the report.

The Committee agreed to grant the application.

8. North Coast and Cumbrae

8.1 16/00268/PP: Hunterston Construction Yard, Fairlie

Clydeport Operations Limited, 16 Robertson Street, Glasgow have applied under Section 42 of the Town and Country Planning (Scotland) Act 1997 to delete Condition 1 of planning permission 11/00230/PPM to remove the temporary restriction on the use of the site at Hunterston Construction Yard, Fairlie, as detailed in the report and outlined at Appendix 1a to the report. Three objections and a representations were received, as detailed in the report.

At its meeting on 10 August 2016, the Committee agreed to continued consideration of the application to allow for a site familiarisation visit by the Members of the Committee. A letter in support of the application was received and circulated at the meeting on 10 August 2016. The site familiarisation visit was held on 25th August 2016.

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

1. That the planning permission shall be restricted to the use of the existing building dock, site, jetty and buildings; erection and use of other associated buildings and plant which would be located on the site in accordance with the operational demands of the work; and the use of the existing site access and jetty; all for the purpose of the construction, repair and subsequent removal on completion of large marine related structures; and the site shall be used for no other purpose.
2. That prior to the recommencement of development on the site the applicant shall obtain the written approval of North Ayrshire Council as Planning Authority regarding: a) the siting, design and external appearance (including colours) of buildings, plant and structures together with a layout plan showing the operational requirements of the site and proposals for open and covered storage of raw materials, finished products and waste; b) the proposed arrangements for the disposal of any excavated material from the site; c) the proposed arrangements for the treatment and disposal of effluents and waste products together with plans showing the proposed drainage system for the treatment and disposal of soil and surface water and arrangements for the control of flotsam arising from any work on the site and for preventative measures to avoid pollution of the foreshore; and d) the proposed arrangements for the lighting of the site during dock reconstruction.
3. That all processes and activities shall be carried out in such a manner as to minimise nuisance by way of noise, dust, smell, vibration or pollution of the sea.
4. That no processes or activities shall be carried out which would: a) be incompatible with the nuclear safety arrangements or operations of Hunterston B Power Station ; or b) have an adverse effect on water quality at the intakes of the power station.
5. That no blasting operations or pile driving by percussive means shall be carried out on the site between 10.00pm and 7.00am. Specific times for any blasting and/or pile driving by percussive means shall be agreed in writing by North Ayrshire Council as Planning Authority and it shall be the responsibility of the applicant to advertise the agreed arrangements in a newspaper circulating locally in the week prior to the agreed times.
6. That except with the prior approval of North Ayrshire Council as Planning Authority, no dock constructional operations, other than the sinking of piles by other than percussive means, the carrying out of maintenance work on constructional plant and dredging work, shall be carried out on the site between 10.00pm and 7.00am.

7. That the hours of operation of the site for vessel construction and/or repair and the arrangements for the lighting of the site during the hours of operation should be agreed in writing with North Ayrshire Council as Planning Authority prior to the commencement of any further work at the site.
8. That should the authorised use of the site, as detailed in Condition 1, be discontinued for a period in excess of one year, all redundant buildings or structures, including lighting columns and any scrap materials remaining on the site shall be removed and thereafter the site shall be maintained in a tidy and safe condition, to the satisfaction of North Ayrshire Council as Planning Authority.
9. **Notices under Section of 145 of the Town and Country Planning (Scotland) Act 1997: 'Kirkton Touring Park,' Millport Holiday Park, Millport, Isle of Cumbrae KA28 0HB**

Submitted 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 conditions attached to planning permission (ref: CH/87/746/S), granted on 27 April 1988 for the change of use of waste ground to a caravan park and the formation of an associated access. The permission was granted subject to several conditions including Condition 1, which states that the site shall not be used as a caravan site between 1 October in any one year and 1 March in the succeeding year; and Condition 2 which states that the site shall be used for touring caravans and for no other purpose.

The Council received a complaint in 2015 that the static caravans were on site, in breach of Condition 2. It was also alleged that the land was used all year round in breach of Condition 1. Inspections of the site between 31 October 2015 and 1 March 2016 have revealed that the land is used as a caravan site in contravention of Condition 1 of the permission and that the site is used for static caravans and other associated structures, which is in contravention of Condition 2.

In the interests of the amenity of the area and to prevent permanent occupation of the site, it is proposed to issue a Breach of Condition Notice requiring the following actions, in respect of Condition 1 and 2 of the planning permission dated 27 April 1988 (ref: CH/87/746/S) to remove all static caravans and associated structures, including any decks, steps and underbuild and use the site only for touring caravans and no other purpose between 1st March and 31st October in any year. It is proposed that the compliance period be before 1st November 2016, which allow sufficient time for the removal of the non-touring caravans and associated structures and would align with the date on which the use of the site must cease each year.

The Committee agreed to (a) approve the serving of a Notice under Section 145 of the Town and Country Planning (Scotland) Act 1997 requiring compliance with conditions attached to planning permission (ref: CH/87/746/S); and (b) that the compliance period be before 1 November 2016.

The meeting ended at 3.10 p.m.

