

Planning Committee
8 February 2017

Irvine, 8 February 2017 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Matthew Brown, John Ferguson, John Bell, John Bruce, Joe Cullinane, Tom Marshall and Robert Steel.

In Attendance

A. Hume, Senior Development Management Officer (Planning) and L. Kirk, Active Travel and Transport Manager (Economy and Communities); J. Law, Solicitor (Contracts and Licensing) (Legal Services), A. Little, Committee Services Officer and E. Gray, Committee Services Support Officer (Chief Executive's).

Chair

Councillor Brown in the Chair.

Apologies for Absence

Robert Barr and 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 Minutes of meetings of the Committee held on 7 December 2016 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Proposed Section 11 Exemption Order under the Land Reform (Scotland) Act 2003 for the Aberdeen Asset Management Scottish Open

Submitted report by the Executive Director (Economy and Communities) which provided information on an application from the organiser of the Aberdeen Asset Management Scottish Open Championship to be held at Dundonald Links between 12 and 16 July 2017, for a Section 11 Exemption Order under the Land Reform (Scotland) Act 2003.

The Land Reform (Scotland) Act 2003 provides a right of responsible access to most land and inland water in Scotland. Section 11 of the Act provides Access Authorities with the power to exempt areas of land or inland water from the access rights for a fixed period. The main purpose of these powers is to enable the exemption of land for short periods of time in connection with admission to events. This would exempt the Dundonald Links golf course from the access rights between 26 June and 17 July 2017. The purpose of this is to enable a charge to be made for admission and provide for public safety and security prior to, during and after the Scottish Open event. The application was provided at Appendix 1 to the report. Appendix 2 to the report illustrated area of the proposed exclusion of access rights. The draft public notice and proposals for consultation was detailed in Appendix 3.

Any objections and representations received will be considered and resolved wherever possible. Scottish Ministers require to be furnished with the details of the consultation undertaken and copies of all objections and representations. They will then consider any objections or representations prior to confirming the Order and may cause an inquiry to be held for the purposes of enabling them to decide whether or not to do so. The Council will subsequently be advised by letter if the Order is confirmed. A public notice would require to be issued confirming the Order at that stage.

The Committee agreed to(a) issue a public notice of and consult on the proposed order; (b) report the outcome of the consultation to Scottish Ministers; and (c) issue a public notice of the Order if it is confirmed by Scottish Ministers.

4. Isle of Arran

16/01233/PP: Site to South of Largiemeanoch, Whiting Bay

Mr Michael Taylor, Dippenhead Farm, Dippenhead, Isle of Arran has applied for the deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction at the site to the south of Largiemeanoch, Whiting Bay, Arran.

The Committee agreed to grant the deletion of Condition 1 of Planning Permission N/02/00072/PP relating to occupancy restriction at the site to the south of Largiemeanoch, Whiting Bay, Arran, subject to no significant objections being received before the 10 February 2017.

5. Three Towns

16/01186/PP: Site To South West of Ardrossan Park Parish Church, Dalry Road

CTIL and Vodafone Limited, Vodafone House, The Connection, Newbury, Berkshire have applied for planning permission to install a 17.5m high streetworks monopole accommodating three antennas and two 0.3m transmission dishes within a GRP shroud, two equipment cabinets and one meter cabinet at the site to the south west of Ardrossan Park Parish Church, Dalry Road, Ardrossan.

The Committee agreed to grant the application, subject to the condition that within six months of becoming obsolete or redundant the mast, antennas and equipment cabinets shall be removed and the site reinstated to its previous condition to the satisfaction of North Ayrshire Council as Planning authority.

6. Kilwinning

16/01162/PPM: Site to north of Corsehillhead Farm, Kilwinning

Cunninghame Housing Association, 82 Glasgow Street, Ardrossan have applied for planning permission for the erection of a residential development providing 64 new dwellings, together with associated parking, landscaping and services infrastructure at a site to the north of Corsehillhead Farm, Kilwinning. Four letters of representation were received and detailed in the report.

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

1. That the existing tree/hedgerow belt along the south western site boundary shall be retained. Prior to any site operations, details of tree/hedgerow protective fencing shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the protective fencing as may be approved shall be erected for the duration of all site excavations, land engineering and construction operations until the completion of the development and to the satisfaction of North Ayrshire Council as Planning Authority.
2. That, prior to the commencement of the development, hereby approved, the developer shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation for submission by the applicant and approved by North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service. 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 North Ayrshire Council Planning Authority in consultation with the West of Scotland Archaeology Service.
3. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ground Investigation Report by Johnson Poole & Bloomer dated April 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.

4. That, prior to and throughout engineering and construction operations associated with the planning permission hereby approved, the recommendations contained within the Ecology Report by Applied Ecology Ltd dated November 2016 and submitted with the application shall be implemented by the site contractors to the satisfaction of North Ayrshire Council as Planning Authority.
5. 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). 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.
6. 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.
7. That, prior to the erection of any of the dwellinghouses hereby approved, details of all boundary treatments within the development, including:
 - plot boundaries;
 - site perimeter boundaries, to include the replacement hedgerow on Weirston Road;
 - boundaries around the open space; and
 - boundaries around the SuDs area.

shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, all means of enclosure as may be approved shall be erected prior to the occupation of each dwellinghouse, prior to the open space being made available for use and prior to the use of the SuDS area for surface water management, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. That, prior to the erection of any of the dwellinghouses hereby approved, a scheme of hard and soft landscaping for the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority as follows:
 - (a) hard landscaping details shall be presented on a plan of the site with accompanying drawings/specifications together with details of long term management/maintenance.

- (b) soft landscaping details shall be presented on a plan of the site showing areas to be turfed, grass seeded or planted with shrubs/trees together with an accompanying schedule providing comprehensive details of soil treatment, the planting specification, phasing, aftercare and long term management/maintenance. Thereafter, the landscaping works shall be implemented only in accordance with such details as may be approved and fully completed in tandem with each successive phase of development to the satisfaction of North Ayrshire Council as Planning Authority. Any plants, trees or shrubs which subsequently die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species until the landscaping is established to the satisfaction of North Ayrshire Council as Planning Authority.
9. 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 and landscaping 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 8 above.
10. That, prior to the occupation of any of the houses within blocks 1 - 4, the grass verge adjacent to Weirston Road shall be replaced with a 2m wide pedestrian footway which shall connect the development to the existing footway adjacent to 12 Weirston Road to the satisfaction of North Ayrshire Council as Planning Authority.
11. 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.
- (b) to recommend that the Executive Director (Place) (i) investigate an extension of the 30mph speed limit on Weirston Road to (1) the junction with Corsehill; and (2) to the junction with Irvine Road, Kilwinning; and (ii) also examine, with the applicant, the provision of play equipment within the local area of the development.

7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: ASDA car park, Rivergate, Irvine

Submitted report by the Executive Director (Economy and Communities) which provided information on the unauthorised siting of a second hand clothes recycling cabin in the car park of ASDA, Rivergate.

Cash 4 Clothes and the land owner, Rivergate Property 2 Ltd, have been advised that the siting of the cabin for the clothes recycling facility is unauthorised and that a planning application would not be supported. They have been advised to cease the use and remove the cabin. To date this has not been done and both parties have been advised that the Council is considering the issue of a formal enforcement notice.

It is considered that the facility harms the visual amenity of the area by way of its siting, design and visual appearance. The cabin has the appearance of a temporary structure more akin to a building site or industrial area rather than a retail area. It is covered in adverts which further harm visual amenity and is sited in a prominent location next to New Street, a main route for vehicles exiting the town centre. The use is therefore held to be contrary to criterion (a) Siting, Design and External Appearance of the General Policy of the LDP. The use also takes up 3 parking spaces. Given the loss of parking it is also considered that the development does not meet parking requirements and is contrary to criterion (d) Access, Road Layout, Parking Provision of the General Policy of the LDP.

In the interest of the visual amenity of the area and parking provision in the town centre, it was recommended that the Committee approve the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 to require (i) cessation of the use of the clothes recycling facility, removal of the cabin and associated apparatus; and (ii) reinstate the ground to its former condition as part of the car park.

The Committee agreed to grant authority for the service of a Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997 requiring cessation of the use of the land for the siting of a second hand clothes collection facility/cabin, 'Cash 4 Clothes', within the car park of ASDA, Rivergate, Irvine.

The meeting ended at 2.55 p.m.