

Planning Committee
15 May 2013

IRVINE, 15 May 2013 - 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, Joe Cullinane, Ronnie McNicol, Tom Marshall, Jim Montgomerie and Robert Steel.

In Attendance

J. Miller, Senior Planning Services Manager (Development and Environment); J. Law, Solicitor (Contracts and Licensing) and D. McCaw, Committee Services Officer (Chief Executive's Service).

Chair

Councillor Brown in the Chair.

1. Declarations of Interest

There were no declarations of interest by Members in terms of Standing Order 16 and Section 5 of the Code of Conduct for Councillors.

2. Minutes

The accuracy of the Minutes of the previous meeting of the Planning Committee held on 24 April 2013 was agreed and the Minutes signed in accordance with paragraph 7(1) of Schedule 7 of the Local Government (Scotland) Act 1973.

3. Garnock Valley

3.1 12/00526/PP: Dalry: Site to North of Baidland Hill

Community Windpower, Godscroft Lane, Frodsham, Cheshire have applied for planning permission for an extension to the existing wind farm comprising of 2 additional wind turbines measuring 74.5m high to hub and 125m high to blade tip at a site to the north of Baidland Hill, Dalry. 3 objections and 482 statements of support have been received, as detailed in the report.

The Senior Planning Services Manager updated the Committee on the consultation responses from NATS (En-Route), BAA (Glasgow Airport) and Clyde Muirshiel Regional Park in connection with the application.

Councillor Barr, seconded by Councillor Steel, moved that the application be remitted to Officers for determination under delegated authority. There being no amendment, the motion was carried. The Senior Planning Services Manager then requested that in the first instance the item be continued to the next meeting pending the receipt of legal advice on the appropriateness of remitting the matter to Officers.

Accordingly, the Committee agreed in the first instance that the item be continued to the next meeting pending the receipt of legal advice on the appropriateness of remitting the matter to Officers.

3.2 13/00112/PP: Beith: Glengarnock: Kyle Water Ski Club

Kyle Water Ski and Wakeboard, The Boathouse, Lochshore, Kilbirnie Loch have applied for planning permission for the installation of an underground septic tank and associated soakaway at Kyle Water Ski Club, Glengarnock, Beith.

The Committee agreed to grant the application.

3.3 13/00198/PP: Beith: Site to North of 47 Head Street

Gareth Rae, 49 Head Street, Beith has applied for planning permission for a change of use from open space to form garden ground on a site to the north of 47 Head Street, Beith.

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

1. That within 2 months of the date of this consent, details of the timetable for a scheme of remediation measures to eradicate Japanese Knotweed from the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority. Thereafter, the scheme, as may be approved, shall be implemented, and on completion, the applicant shall appoint a suitably qualified person to certify that Japanese Knotweed has been eradicated from the application site, all to the satisfaction of North Ayrshire Council as Planning Authority.
2. That details of the proposed boundary treatment and landscaping including species, planting densities, soil treatment and aftercare shall be submitted for the written approval of North Ayrshire Council as Planning Authority prior to the commencement of works/clearance on site.

4. Irvine/Kilwinning

4.1 13/00039/PPPM: Kilwinning: Kelvin Avenue: Nethermain Industrial Estate

Ashtenne Industrial Fund LP, 80 St Vincent Street, Glasgow have applied for planning permission for the demolition of industrial building(s) and the erection of new business/industrial units (Classes 4, 5 & 6) and place of worship (Class 10), formation of open space including engineering operations, access and landscaping and refurbishment of existing industrial units at Nethermain Industrial Estate, Kelvin Avenue, Kilwinning. 2 objections have been received, as detailed in the report.

The Committee, having considered the terms of the objections, agreed to grant the application subject to the following conditions:-

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, cycle parking and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, taking account of the Framework Strategy submitted as part of this application, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed. Clarification of the 1:200 year functional floodplain, determining the developable area shall also be provided;
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including future maintenance. The Drainage Assessment shall consider potential impacts on water quality, public health and the environment. SUDS shall be self-certified by a suitably qualified person. Protection from flooding should be provided to the existing foul sewage pumping station within the predicted area of flooding;
- (e) the means of access to the site;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) the landscaping and associated maintenance proposals for the site, including details of existing trees, hedgerows and other planting to be retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;

(h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);

(i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

2. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

(a) expiry of 3 years from when permission in principle was granted;

(b) expiry of 6 months from date when an earlier application for approval was refused; and

(c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

(i) different matters; and

(ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the further application(s) required under the terms of Condition 1 above shall include a detailed Transport Assessment, Signage Strategy and Travel Plan, including a detailed analysis of the main routes to, from and within the site which link to the wider network and any improvements required to maximise connectivity, for the approval in writing of North Ayrshire Council as Planning Authority. The Travel Plan and any measures detailed therein to reduce car trips, shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists, taxis and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan and Policy TRA10 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).

4. That the further application(s) required under the terms of Condition 1 above shall include details of the shared path / cycle way connections throughout the site and linkages to the National Cycle Route all for the approval in writing of North Ayrshire Council as Planning Authority.

5. That the further application(s) required under the terms of Condition 1 above shall include a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted to the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation shall also be submitted.

6. That intrusive site investigation works should be undertaken in order to establish the coal mining legacy issues on the site and documentation provided detailing the findings thereof. In the event that the site investigations confirm the need for remedial works to treat mine entries and/or areas of shallow mine workings, to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall be undertaken prior to commencement of the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the further application(s) required under the terms of Condition 1 above shall include an Arboricultural Impact Assessment and Arboricultural Method Statement. Such documents should be used to guide the detailed design process in the siting of buildings and other development where groundworks would be undertaken. Protection of retained trees should be undertaken in line with BS5837 2012, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. The recommendations within the Ecology Assessment, submitted in support of the application, shall be implemented in the detailed design of the development, to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted with MSC application(s) demonstrating the undertaking and/or programming of these recommendations implementation.

9. That the further application(s) required under the terms of Condition 1 above shall include detailed landscaping proposals. Such details should contribute to the establishment of a wider "green corridor" network, for outdoor recreation, and landscape and nature conservation, and provide for amenity grounds for users of the development. This shall include matters such as: strengthening of structural landscaping and undertaking of remedial maintenance to woodland areas; the introduction of a planted margin to tree compartments, such that separation from development areas and ecological benefit occurs; the protection of trees during development phases, in line with BS 5837 2012; and provision of amenity/specimen trees throughout the development areas, all to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

11. Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. Prior to the commencement of development full details of any external lighting, prepared by a suitably qualified person, shall be provided for the written approval of North Ayrshire Council as Planning Authority. Such external lighting shall be designed and positioned such that it would not result in light pollution to the detriment of residential amenity, cause undue distraction, nor impact adversely on wildlife interests.

13. Sunlight, daylight and shadowing analysis of impacts on nearby residential property shall be submitted for the written approval of North Ayrshire Council as Planning Authority..

14. No development shall take place within the development site, as outlined in red on the approved plan, until the implementation of a programme of archaeological works in accordance with a written scheme of investigation has been submitted, and approved by North Ayrshire Council as Planning Authority. Thereafter the approved programme of archaeological works shall be fully implemented and all recording and recovery of archaeological resources within the development site shall be undertaken to the satisfaction of North Ayrshire Council as Planning Authority.

15. The proposed Class 10 use shall be limited to a place of worship only and shall not be used for any other use within that use class.

4.2 13/00040/PPPM: Irvine: Annick Road: South Newmoor Industrial Estate

Ashtenne Industrial Fund LP, 80 St Vincent Street, Glasgow have applied for planning permission for the demolition of industrial building(s) and (1) erection of new business/industrial units (Classes 4, 5 & 6), ancillary hotel, crèche, retail units and associated access, engineering operations and landscaping, and (2) erection of ancillary public house/restaurant at South Newmoor Industrial Estate, Annick Road, Irvine.

The Committee agreed to (a) grant permission for the erection of new business/industrial units (Classes 4, 5 & 6), ancillary hotel, crèche, retail units and associated access, engineering operations and landscaping, subject to the following conditions:-

1. Prior to the commencement of development on site, a further application(s) for the approval of the matters specified in this condition must be submitted to and approved by North Ayrshire Council as Planning Authority. These matters are as follows:

- (a) the layout of the site, including all roads, footways, shared paths, car parking areas, cycle parking and open spaces;
- (b) the siting, design and external appearance of all building(s) and any other structures, including plans and elevations showing their dimensions and type and colour of external materials;
- (c) a detailed flood risk assessment, taking account of the Framework Strategy submitted as part of this application, including cross-sections of existing and proposed ground levels, details of under-building and finished floor levels in relation to a fixed datum, preferably ordnance datum, and detailing how flood issues are addressed. The proposed crèche shall be afforded a 1:1000 year standard of protection;
- (d) the means of drainage and surface water strategy and methodology for sewage disposal, including Sustainable Urban Drainage Systems (SUDS), all set out in a comprehensive Drainage Assessment, including maintenance. Such SUDS shall be self-certified by a suitably qualified person;
- (e) the means of access to the site;
- (f) the design and location of all boundary treatments including walls and fences;
- (g) retained and tree protection measures together with proposals for new planting specifying number, size and species of all trees and shrubs and a woodland management implementation programme;
- (h) details of the phasing of development (covering all relevant aspects of development detailed in (a) above);
- (i) a design and access statement with the design issues addressed in the formulation of the proposals, set out in line with the relevant supplementary design guidance approved by North Ayrshire Council.

2. The application(s) for approval of these further matters must be made to the Council as Planning Authority before whichever is the latest of the following:

- (a) expiry of 3 years from when permission in principle was granted;
- (b) expiry of 6 months from date when an earlier application for approval was refused; and
- (c) expiry of 6 months from date on which an appeal against the refusal was dismissed.

Approval of the further specified matters can be made for -

- (i) different matters; and
- (ii) different parts of the development at different times.

Only one application for approval of matters specified in conditions can be made after 3 years from the grant of planning permission in principle.

3. That the further application(s) required under the terms of Condition 1 above shall include a detailed Transport Assessment, Signage Strategy and Travel Plan, including a detailed analysis of the main routes to, from and within the site which link to the wider network and any improvements required to maximise connectivity, for the approval in writing of North Ayrshire Council as Planning Authority. The Travel Plan and any measures detailed therein to reduce car trips, shall be implemented and thereafter monitored to the satisfaction of North Ayrshire Council as Planning Authority. The needs of walkers, cyclists, taxis and public transport users should also be considered, with reference to the criteria in Policy PI 1 of the draft Local Development Plan and Policy TRA10 of the adopted North Ayrshire Local Plan (Excluding Isle of Arran).

4. That the further application(s) required under the terms of Condition 1 above shall include details of the shared path / cycle way connections throughout the site and linkages to the National Cycle Route all for the approval in writing of North Ayrshire Council as Planning Authority.

5. That the further application(s) required under the terms of Condition 1 above shall include a desk study of the application site, (including the review of any previous site investigations) to assess the likelihood of contamination and assist in the design of an appropriate site investigation and subsequent suitable quantitative risk assessment. Remediation proposals shall also be presented in relation to any significant findings. All documentation shall be verified by a suitably qualified Environmental Consultant and submitted the satisfaction of North Ayrshire Council as Planning Authority. Thereafter the presence of any significant unsuspected contamination, which becomes evident during the development of the site, shall be reported to North Ayrshire Council and treated in accordance with an agreed remediation scheme. On completion of the proposed works written verification, detailing what was done by way of any remediation shall also be submitted.

6. That intrusive site investigation works should be undertaken in order to establish the coal mining legacy issues on the site and documentation provided detailing the findings thereof. In the event that the site investigations confirm the need for remedial works to treat mine entries and/or areas of shallow mine workings, to ensure the safety and stability of the proposed development, any remedial works identified by the site investigation shall be undertaken prior to commencement of the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

7. That the further application(s) required under the terms of Condition 1 above shall include an Arboricultural Impact Assessment and Arboricultural Method Statement. Such documents should be used to guide the detailed design process in the siting of buildings and other development where groundworks would be undertaken. Protection of retained trees should be undertaken in line with BS5837 2012, all to the satisfaction of North Ayrshire Council as Planning Authority.

8. The recommendations within the Ecology Assessment, submitted in support of the application, shall be implemented in the detailed design of the development, to the satisfaction of North Ayrshire Council as Planning Authority. Details shall be submitted with MSC application(s) demonstrating the undertaking and/or programming of these recommendations implementation.

9. That the further application(s) required under the terms of Condition 1 above shall include detailed landscaping proposals. Such details should contribute to the establishment of a wider "green corridor" network, for outdoor recreation, and landscape and nature conservation, and provide for amenity grounds for users of the development. This shall include matters such as: strengthening of structural landscaping and undertaking of remedial maintenance to woodland areas; the introduction of a planted margin to tree compartments, such that separation from development areas and ecological benefit occurs; the protection of trees during development phases, in line with BS 5837 2012; and provision of amenity/specimen trees throughout the development areas, all to the satisfaction of North Ayrshire Council as Planning Authority.

10. That the further application(s) required under the terms of Condition 1 above, where they relate to the proposed hotel, crèche and retail units shall demonstrate in detail how the proposed uses meet the criteria to serve only a local need, could be conveniently accessed on foot from adjacent development, would have no detrimental effect on infrastructure by attracting additional traffic from outwith the local area, and would not affect the underlying industrial land use for the site and be appropriate in design and scale to the surrounding uses. The provision of such uses shall be restricted to serving that local need.

11. That the further application(s) required under the terms of Condition 1 above shall include submission of a strategic assessment of how new buildings shall reduce their CO2 emissions to a level above or in line with the building standards through appropriately designed: on-site low or zero carbon generating technologies (LZCGTs); and/or passive/operational energy efficiency measures. The specific implementation/detail documentation shall be submitted at the time of submission for Building Warrant, all to the satisfaction of North Ayrshire Council as Planning Authority.

12. Within the detailed design proposals details shall be incorporated showing how the provision of public art shall be integrated into the development, all to the satisfaction of North Ayrshire Council as Planning Authority.

and (b) refuse permission for the erection of ancillary public house/restaurant on the following ground:-

1. The proposed public house and restaurant would be contrary to Policy IND 14 of the adopted North Ayrshire Local Plan (excluding Isle of Arran) as it has not been demonstrated that the proposed use would: (i) comply with the underlying land use Policy for the area, (ii) support business and industry in the area, and (iii) not attract vehicular traffic from outwith the area. It is considered that the proposed use would be more appropriately directed to a town centre location.

4.3 13/00207/PP: Irvine: Lamont Drive: Chuck Wagon

Andrew McKeen, 1 Trondra Gardens, Kilmarnock has applied for planning permission for the removal of Condition No. 2 of Planning Permission 11/00636/PP, to permit the permanent siting of a snack bar at Chuck Wagon, Lamont Drive, Irvine.

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

1. That for the avoidance of doubt, no external areas outwith the footprint of the building shown on the site plan ref: PL 01 A, shall be used for outdoor seating, food service or any other assembly purposes without the prior written agreement of North Ayrshire Council as Planning Authority.

2. That, within three months of the date of this planning permission, final details of the external appearance of the building shall be submitted for the written approval of North Ayrshire Council as Planning Authority, and that such details as may be approved shall be implemented within the approved timescale and thereafter maintained, all to the satisfaction of the Planning Authority.

5. Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 to land at east side of Garnock Street, at junction with Merksworth Avenue, Dalry

Submitted report by the Corporate Director (Development and Environment) on the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring proper maintenance and the abatement of the adverse impact on the local area, in relation to land at the east side of Garnock Street, at the junction with Merksworth Avenue, Dalry.

The land has been vacant for several years and the remains of burnt down or collapsed timber structures remain on site. Vegetation has grown on site and the dumping of refuse has taken place resulting in an accumulation of refuse and litter on the land.

The Council has been in ongoing correspondence with the owner and an inspection of the land on 16 April 2013 revealed that there had been no improvement in the land's previous condition.

In the interest of the amenity of the area, it is proposed that a Notice be served under Section 179 of the Town and Country Planning (Scotland) Act 1997 giving the owner 2 months to secure the removal of all refuse, litter and the remains of the timber structures from the land.

The Committee agreed to authorise the serving of a Wasteland Notice under Section 179 of the Town and Country Planning (Scotland) Act 1997 requiring the proper maintenance and the abatement of the adverse impact on the visual appearance of the local area, on land at the east side of Garnock Street, at the junction with Merksworth Avenue, Dalry.

6. Revocation Order to Fairlie No 1 Tree Preservation Order at Burnfoot Road/Station Road, Fairlie

Submitted report by the Corporate Director (Development and Environment) on the revocation of the Fairlie No 1 Tree Preservation Order (TPO) for trees at Burnfoot Road/Station Road, Fairlie.

A request has been made for a review of the existing Fairlie No 1 TPO which relates to mature deciduous trees on rear garden properties which face each other at 4/8 Burnfoot Road and 5/13 Station Road, Fairlie.

Since the designation of the TPO in 1989, planning permission has been granted for a number of applications for tree pruning and tree felling works within the area. It is considered that the trees no longer merit protection by a TPO given the loss of trees over the years with Dutch elm disease, rot fungus and basal decay to the extent that those remaining within the TPO area offer little in terms of their wider amenity value and are not of particular historic or cultural significance.

In addition, given their immediate proximity to the banks of the Fairlie Burn and the size of some of the more mature species, there is concern that with the continued erosion of the banks of the burn, it will become increasingly more onerous to maintain existing tree cover in the area. Due to these considerations, and the fact that some of the larger mature trees are now of such a height as to potentially pose health and safety issues in the future to adjoining properties, it is proposed that the existing TPO be revoked and responsibility for protecting the trees be passed back to the owners.

The Committee agreed to authorise the serving of a Revocation Order for the Fairlie No 1 Tree Preservation Order on the owners of the site.

7. Portencross Coast: Site of Special Scientific Interest (SSSI) to be renotified as Portencross Woods SSSI and Southannan Sands SSSI

Submitted report by the Corporate Director (Development and Environment) on the notification by Scottish Natural Heritage that land at the Portencross Coast SSSI is proposed for renotification as two separate smaller sites of special scientific interest as follows:-

- Portencross Woods (coastal woodland); and
- Southannan Sands (extensive mudflats).

The renotification focuses on the notifiable nature conservation interests of the area at Portencross Woods and deletes large areas of industrial land at Hunterston from the original SSSI designated site of 1971.

The Committee agreed to submit representations to support, in principle, the proposed Portencross Woods SSSI and Southannan SSSI designations.

8. Proposed Development Brief: Perceton House, Irvine

Submitted report by the Corporate Director (Development and Environment) on the publication of the proposed Development Brief for Perceton House, Irvine.

The emerging Local Development Plan identifies the potential for redevelopment of the Perceton House site and allocates parts of the site for residential use. The heritage interests, combined with the landscaped grounds, mature trees and other ecological considerations have resulted in the preparation of a development brief.

The Development Brief contains information on acceptable uses, which include housing, other residential use (such as care home), or hotel/leisure use. The Brief sets out specific developable areas of the site and identifies a number of sensitivities and how these should be dealt with, including the mature trees, designated landscape and the presence of one or more bat species.

The purpose of the brief is to inform the determination process for a future planning application by providing guidance to developers on matters which require to be addresses in redeveloping the site.

The Committee agreed to approve the Development Brief for Perceton House for publication.

The meeting ended at 2.50 p.m.