

Planning Committee
5 December 2018

Irvine, 5 December 2018 - At a Meeting of the Planning Committee of North Ayrshire Council at 2.00 p.m.

Present

Tom Marshall, Timothy Billings, Robert Barr, Ian Clarkson, Robert Foster, Shaun Macaulay, Ellen McMaster, Ronnie McNicol and Donald Reid.

In Attendance

J. Miller, Senior Manager (Planning) (Economy and Communities); M. Barbour, Solicitor (Legal Services); and E. Gray, Committee Services Officer (Chief Executive's Service).

Also In Attendance

C. Briggs and C. Duff, (Friends of the Firth of Clyde), and D. Nairn (Fairlie Community Council) (representing the objectors); D. Coleman (Peel Ports) and C. Fleming (Envirocentre) (representing the applicants) (agenda item 3); B. Calderwood (Brodick Improvements Committee) and P. McMullen (Arran Community Council) (representing the objectors); S. Ainsley (Cohesion Consultant) and J. Metcalf (Abode Group) (representing the applicants) (agenda item 4.1).

Chair

Councillor Marshall in the Chair.

Apologies for Absence

Christina Larsen.

1. Chair's Remarks

The Chair welcomed Councillor Shaun Macaulay back to the Committee following a period of ill health. The sentiment was echoed by Committee members.

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.

Councillor Billings referred to historical interests as the owner of the Glenisle Hotel and Bistro, which was sold in 2017, and as a shareholder in Arran Hotels Ltd, which is currently being wound up. Due to the nature of the interests no declaration was made.

3. Minutes

The Minutes of the meeting of the Planning Committee held on 31 October 2018 were confirmed and the Minutes signed in accordance with Paragraph 7 (1) of Schedule 7 of the Local Government (Scotland) Act 1973.

4. Hunterston Construction Yard – SEPA Consultation Response

Submitted report by the Executive Director (Economy and Communities) on a consultation response on behalf of the Council as the Local Authority to SEPA with respect to an application for a Waste Management Licence (WML) at Hunterston Construction Yard, Fairlie.

The Chair advised that he had accepted a request from Friends of the Firth of Clyde to address the Committee in terms of their objections to the consultation response. Peel Ports, as the licence applicant, and SEPA were invited to respond to the objections raised. Peel Ports were in attendance. It was also noted that deputations have historically only been permitted in relation to planning applications however in this case, given the high level of public interest and in the interest of transparency, the Chair agreed to make an exception.

Ms Briggs, of Friends of the Firth of Clyde, addressed the Committee in support of their objections and circulated three documents in support of their oral submission: a brief outlining their grounds for objection and recommendations, a list of their representations, and a summary of the legal opinion by their senior counsel on the decision making processes by the statutory bodies.

A background was provided on the group who are made up of local residents and environmental experts, many of whom live in the area surrounding Hunterston Construction Yard and have done for a number of years. Concerns were raised around the complexity of the project; the lack of experience of Peel Ports and SEPA in dealing with this type of project; that all activities of the project will be sub-contracted; and that no information had been provided in the WML licence application on the risks associated with sub-contracting or who the sub-contractors may be. Ms Briggs highlighted that the site is bordered on three sides by Sites of Special Scientific Interest which would be at risk if contaminated by the toxins which would be handled at the site, as listed in the WML application. The Committee was asked to consider the request for an environmental impact assessment to be carried out.

Friends of the Firth of Clyde requested that the consultation response be amended to recommend that the WML be rejected. Failing that, changes should be made to the response to:-

- exclude the coal yard and jetty from the WML;
- recommend that all competent authorities reassess the original screening opinion;
- add a condition to tighten control over the removal of waste via road; and
- require the applicant to employ an independent Environmental Clerk of Works.

Mr Coleman, of Peel Ports, then addressed the Committee on behalf of the applicants in response to the objections raised. It was stated that due to the volume of information presented he did not intend to respond point-by-point but was happy to answer any questions the Committee had.

Members then asked questions of the objectors and applicant's representatives and received further information on the following:-

- work which had been undertaken by Friends of the Firth of Clyde, in conjunction with Police Scotland, to improve road safety in the village and the potential impact of removing waste from the Hunterston site via road would have;
- the types and quantities of waste which would be processed at the site and whether these were typically covered by a WML and the conversations between the applicant and SEPA to this effect; and
- the planning permissions which were granted in April 2018, whether these covered the coal yard and jetty area of the site, and the method of waste removal set out in those permissions.

The Senior Manager (Planning) then set out the terms of the committee report and summarised a letter which had been received from Councillors Hill and Murdoch stating their belief that SEPA, in the first instance should be asked to refuse the licence until either (a) the Working Plan is amended to remove any reference to the areas which are not currently consented (the coal yard and jetty) and all reference to transportation by road be similarly removed or (b) until after Peel has successfully obtained planning permission for the areas it intends to use and until after the transportation of these materials has been satisfactorily agreed with both the Council and the Trunk Roads Authority.

The Senior Manager (Planning) also noted and circulated the terms of reference for the Hunterston Marine Yard Liaison Committee as set out in Condition 8 of planning permission 17/01273/PP which had been submitted by Peel Ports.

Members asked questions and were provided with further information on:-

- the reason for the delay in the set up of the Hunterston Marine Yard Liaison Committee and the amount of time and effort which might have been saved had this been done earlier;
- the possibility of strengthening the wording of the consultation response and the presence of planning conditions which are already in place which may ease some of the concerns raised;
- the amount of waste which would be removed via road and if this amount is different to what the Committee were originally led to believe; and
- the requests made by Friends of the Firth of the Clyde and how these are covered in the draft consultation response.

Councillor McNicol, seconded by Councillor Clarkson, moved that the Committee agree to approve the draft consultation response set out in Appendix 1 to the committee report.

As an amendment, Councillor Barr, seconded by Councillor Billings, moved that, in response to SEPA's consultation, an objection be lodged to the granting of a WML on the grounds raised by Friends of the Firth of Clyde.

On a division, there voted for the amendment two and for the motion seven and the motion was declared carried.

Accordingly, the Committee agree to approve the draft consultation response set out in Appendix 1 to the report.

In terms of Standing Order 5.7, the Chair agreed that the meeting be adjourned at 2.50 p.m. for a short comfort break. The meeting reconvened at 2.55 p.m. with the same Members and officers present and in attendance.

5. 18/00419/PP: McLaren Hotel, Brodick, Isle of Arran

AbodeGroup have applied for planning permission for the demolition of an existing hotel and the erection of a new hotel at the McLaren Hotel, Brodick, Isle of Arran. 23 letters of objection and one letter of support were received in response to the original submission and a further 13 letters of objection were received in response to the applicant's amended submissions, and were summarised in the report along with a summary of the officer's responses.

Mr Calderwood, of Brodick Improvements Committee, and Mr McMullen of, Arran Community Council, addressed the Committee in support of their objections.

Referring to the site in question, Mr Calderwood encouraged development of this prime location due to the state of disrepair which the existing building has fallen into and the eyesore that it has become to residents and visitors. Of the proposed development, concerns were raised around the scale of the proposal which would dominate the frontage and would be more suited to an urban setting, not an island village. He said there was a fear among locals that a development on this scale would result in pressure on local services, businesses and roads, some of which are already struggling to cope with demand. The lack of constructive community engagement was highlighted along with the general lack of regard to the local needs. There was also concerns that the plans do not include adequate staff accommodation or disabled and general parking, and that no plans for noise, dust or traffic management had been proposed for either the construction or operation phases.

Mr Calderwood requested that the Committee refuse the application and, failing that, that conditions be attached to the planning permission requiring a noise impact statement, details on parking and detailed plans are provided prior to the commencement of construction.

Mr McMullen provided details of how Arran Community Council operates, encompassing the views of the entire island, not just Brodick, when considering planning consultations and how they work closely with groups including the Brodick Improvement Committee. He spoke of the Community Council's initial delight when they were informed that a proposal to develop the site had been received and the contrasting opinion that was formed when the plans were revealed. After carefully considering the plans, they felt it was in conflict with sub-section (d) of Policy TOU1 of the Local Development Plan as they were not of a scale and character which enhances the local landscape or amenity. It was suggested that, while the proposal might not seem large on the mainland, in an island village it would be far too big and that a smaller development of around 27 rooms would be much more suited. Mr McMullen

asked that when determining the application the Committee consider if it complied with Policy TOU1 and if there was any doubt, that the application be refused.

Mr Ainsley, of Cohesion Consult, then addressed the Committee on behalf of the applicants in response to the objections raised.

Mr Ainsley began by welcoming the officer's recommendation to approve the application and highlighted that no objections had been received from statutory consultees. A presentation was given which highlighted the support received from Visit Scotland and the economic benefits which would accompany the development through additional visitors. Mr Ainsley took the Committee through a number of slides which gave details on the existing site and addressed a number of the concerns raised by the objectors. It was stated that the application complies with the LDP policy, Brodick Design Framework, Coastal Design Guidance and Tourism Action Plan in terms of size, scale and massing and that the building footprint had been reduced following a consultation with locals. The Committee was advised that a smaller hotel would not be commercially viable. It was highlighted that while a restaurant had been removed from the proposed hotel would contain a café/bar and rooms would offer self-catering facilities. It was noted that SEPA and NAC Flooding had no objections and that the design complies with the recommendations of a fire risk assessment which was carried out. Finally, Mr Ainsley recommended that the Committee take the officer's recommendation and grant the application to allow the regeneration of an eyesore that would create jobs and provide opportunities for the community.

The objectors then had an opportunity to make brief final comments. Mr Calderwood raised the fact that Arran Community Council are a statutory planning consultee and that their objections had been lodged and that while Visit Scotland may support the application, Visit Arran do not, and the applicant was being selective with the information they provided. Mr McMullen stated that the artist's impression displayed was not to scale and that Arran Community Council are not opposed to there being a hotel on this site, just not a hotel of this scale.

Members then asked questions of the objectors and applicant's representatives in respect of parking spaces for the proposed development, the decision to remove the restaurant from the proposal, and the reasons behind choosing Arran as the location for this development.

The Senior Manager (Planning) then outlined the terms of the planning report and summarised a consultation response from Arran Community Council which, due to typing error, had not been received in time to be included in the report.

Members had the opportunity to ask further questions and received clarification on the following:-

- how the waste created from the demolition of the existing building would be used and the common practice of using this type of to form the foundations of new development;
- the self-catering facilities in the room, whether this would allow for long term leases, and the requirement for a change of use application to permit this;

- why there had been a lack of consultation with locals and understanding of what type of development the island required, namely domestic flatted properties;
- the appropriateness of the design for a site in this location; and
- the significance of the commercial model used and the impact that this has had on the design which has been chosen.

Councillor Clarkson, seconded by Councillor McNicol, moved that the Committee approve the application subject to the conditions set out in the report.

As an amendment, Councillor Billings, seconded by Councillor McMaster, moved that the Committee refuse the application on the grounds that it does not comply with the Costal Design Guidance.

On a division, there voted for the amendment four, and for the motion five and the motion was declared carried.

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

1. That prior to the commencement of the development the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority:
 - i) Details and samples of the proposed external finishes;
 - ii) Details of all external lighting;
 - iii) Details of the proposed bin storage; and
 - iv) Details of the proposed cycle parking spaces and storage (including number, location and design).

The details, which may be approved, shall be implemented in full to the satisfaction of North Ayrshire Council as Planning Authority. The approved cycle parking and storage shall be installed prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained.

2. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated July 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:
 - (i) Site levels which ensure the site is raised above the 200 year sea level (i.e. 3.62 m AOD) and designed to shed water away from any buildings and direct any potential surface water entering the site from the south away from the buildings without increasing the risk of flooding to others;
 - (ii) Details of an overland flow path along the western boundary of the site which is at least 1 metre wide and directs flows north towards the A841;
 - (iii) Confirmation that the finished floor levels of the main building shall be no less than 4.52m AOD; and,
 - (iv) A programme for the implementation of the flood management measures, all to the satisfaction of North Ayrshire Council as Planning Authority. The details which may be agreed shall be implemented in compliance with the programme in part (iv) and maintained in perpetuity to the satisfaction of North Ayrshire Council as Planning Authority.

3. That prior to the completion of the development the parking, as outlined in approved drawing 268-03C, shall be completed in full and operational prior to the coming into use of the hotel accommodation, hereby approved, and thereafter retained. For the avoidance of doubt the hotel shall be limited to 88 rooms for rental and at least 5 staff accommodation rooms.
4. 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.
5. 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.
6. That the first 5 metres of the access, 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.

Councillor Foster left the meeting at this point.

6. 18/00917/PP - Site To North West Of Chapelton Mains, West Kilbride

Hope Homes (Scotland) Ltd. have applied for planning permission for phase five of their residential development consisting of 25 detached dwelling houses to the north west of Chapelton Mains, West Kilbride. No representations were received.

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

1. That the flood management measures recommended in the Flood Risk Assessment by Kaya Consulting Limited dated December 2016 shall be fully implemented and no development shall take place until information has been submitted for the written approval of North Ayrshire Council as Planning Authority in relation to flood risk, specifically:
 - (i) Details of remediation works and arrangement of ground levels to ensure that surface water runoff reaching the site is intercepted along the eastern boundary and routed around the site and provide an overland flow pathway should the interception measures block during an extreme event;
 - (ii) Proposals for an appropriate inspection and management regime to be put in place with regard to the proposed cut of drain;

- (iii) Details of an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties;
 - (iv) A programme for the implementation of the flood management measures, all 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.
- 7. Notice under Section 127 of the Town and Country Planning (Scotland) Act 1997: 6 Kames Bay, Millport, Isle Of Cumbrae KA28 0EA**

Submitted a report by the Executive Director (Economy and Communities) proposing that a Notice under Section of 145 of the Town and Country Planning (Scotland) Act 1997 is served requiring that a fence which has been erected without planning permission be removed and the original stone wall be reinstated.

The Senior Manager (Planning) informed Members of a letter which had been received from the owner's solicitor which proposed replacing the panel fence with hedging in spring 2019. Details of the proposed boundary measures would be required.

The Committee unanimously agreed to (a) defer enforcement action for six months subject to a site inspection by officers; and (b) request that an application is made for planning permission for the retrospective removal of the stone wall and replacement with hedging.

8. Urgent Items

The Senior Manager (Planning) informed members of a number of site visits which had been scheduled to take place on 11 February 2019, namely to the Hope Homes development in West Kilbride, Clyde Port in Fairlie, and Largs Academy.

Noted.

The meeting ended at 4.05 p.m.